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General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
7th meeting
held on
Friday, 9 October 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. DEKANY (Hungary)
(Vice-Chairman)

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* Items considered together.

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15 October 1992
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In the absence of the Chairman, Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

TRIBUTE TO THE MEMORY OF MR. WILLI BRANDT, FORMER CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

1. The CHAIRMAN, speaking on behalf of all members of the Committee, paid tribute to the memory of Mr. Willi Brandt.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, 425, 426, 432, 480 and 481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, 412 and 433)

2. Mr. AREVALO DE LEON (Guatemala) said that the stability of the emerging world order was threatened not by ideological conflicts but by manifestations of racial, religious and cultural intolerence. The United Nations must redoub e its efforts to eliminate racism to put an end to such manifestations. To that end, Guatemala supported the holding of a third decade to combat racism and racial discrimination. The Subcommission on Prevention of Discrimination and Protection of Minorities had a leading role to play in meeting the new challenges that had arisen. It must, however, be scrupulously objective: regrettably, selective or politicized criteria had been applied with regard to Guatemala within the Subcommission.

3. Guatemala was a multicultural society with both a mestizo and Indian culture. Both Indians and mestizos shared the problems characterizing Guatemala's economic and social development. Although the indigenous population had benefited only marginally from national development, that situation was rooted not in racial discrimination but rather in Guatemala's social and economic problems. The same situation affected large sectors of the mestizo population, which suffered from the inability of the State to meet basic needs and from the limitations resulting from a weak economy.

4. The Guatemalan Constitution guaranteed the rights of all citizens and established equality before the law without discrimination as to race, sex or creed and ethnic affiliation. Today, the problems affecting the implementation of the economic and social rights of ethnic groups that applied to all Guatemalans were rooted in underdevelopment.

5. The Constitution recognized the pluralistic nature of Guatemalan society and upheld the right of the indigenous groups to maintain their social, cultural and linguistic identity. The barriers that had prevented those groups in the past from expressing their aspirations and concerns had affected Guatemalan society in general and had been rooted in authoritarianism. Within the current framework of democracy in Guatemala, ethnic groups today freely

(Mr. Arevalo de Leon, Guatemala)

expressed their aspirations and directly benefited from the country's economic development. The problems currently facing Guatemala in the field of development, social justice and democratization would be solved within the country's legal framework, which guaranteed the rights of all citizens and also defined their duties.

6. Certain parties sought to distort the situation of the indigenous population in Guatemala, portraying it as one involving racial discrimination in order to discredit the Government during the sensitive negotiations with the Unidad Revolucionaria Nacional Guatemalteca (URNG). He hoped that the Subcommission would analyse that situation carefully and objectively and reject the position of those who sought to politicize its decisions.

7. Guatemala attached great importance to the principle of the self-determination of peoples and supported its universal and peaceful implementation. Within that framework, his country had recognized in 1991 the right of the Belizean people to self-determination and had taken steps to recognize the State of Belize and establish diplomatic relations with it. At the same time, however, Guatemala maintained a territorial claim, which would be resolved peacefully by the two countries.

8. Mr. NEAGU (Romania) said that the elimination of racism and racial discrimination was closely linked to the right of peoples to self-determination, which could not be implemented without full respect for human rights and freedoms. Romania had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and all other related international legal instruments, and was fully committed to the strict implementation of human rights in accordance with the highest international standards. His country's new constitution was interpreted in accordance with the Universal Declaration of Human Rights and the other international legal instruments to which it was a party.

9. Romania actively participated in the international effort to put an end to racial discrimination and apartheid, and supported the work of the Committee on the Elimination of Racial Discrimination and the implementation of the Programme of Action for the Second Decade.

10. He commended the activities of the Centre for Human Rights, particularly its seminars, training courses and studies. Romania strongly condemned the recent manifestations of xenophobia in many parts of the world and stressed the need for strict respect for human dignity and measures to prevent discrimination. His country supported the Secretary-General's recommendations for a third Decade, and called upon all Member States to make special efforts to improve education on non-discrimination.

11. Turning to item 92, he commended the report on the question of the use of mercenaries (A/47/412) and in view of the great danger posed by mercenary activities, would support a renewed call by the General Assembly for all States to take the necessary steps to ensure that their territories and their

(Mr. Neagu, Romania)

nationals were not used for the recruitment, assembly, financing, training or transit of mercenaries. He urged the immediate withdrawal of all foreign troops still stationed in the territories of the newly independent States without their consent. The United Nations could play an important role in assisting the relevant negotiations and monitoring such withdrawals.

12. Romania had signed the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and supported the call to speed up the process of accession so that the Convention could enter into force as soon as possible. There was also a need to ensure full implementation of the Charter and other relevant international instruments in order to promote self-determination. The distortion of the concept of self-determination by applying it to national, religious or cultural minorities was especially troubling. In that respect, his delegation wholeheartedly supported the view that, if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more elusive.

13. Mr. OFFOR (Nigeria) said that the United Nations had always been preoccupied with efforts to combat national pride, which had led some nations to dominate others, and ethnic prejudice, which fomented racism and xenophobia. Despite the great strides made in eliminating weapons of mass destruction, notions of ethnic superiority remained and were finding new forms of expression, undermining United Nations efforts to eliminate racism and promote self-determination.

14. As a multi-ethnic nation, Nigeria fully understood the grave consequences of ethnic tensions. It therefore hoped that the ethnic conflicts in Somalia, the Sudan and the former Yugoslavia would be settled quickly. The Committee on the Elimination of Racial Discrimination played a vital role in that connection and had to be provided with the resources necessary to fulfil its mandate. Reliance on voluntary contributions, some of which were pledged by developing countries with difficult economic situations, had made it difficult for the Committee to meet regularly. His delegation consequently welcomed the recommendation of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that the Committee should be funded through the United Nations regular budget.

15. He noted that a large number of programmes for the Second Decade had yet to be implemented. Meanwhile, ethnic tension and apartheid persisted. There was therefore a clear need for a third decade. His delegation was convinced that, in view of the current positive international political climate, the objectives of the third decade could be achieved within the expected time-frame.

16. That climate should also help to end the ongoing violence in black townships in South Africa. He appealed to all the parties involved in the Convention for a Democratic South Africa (CODESA) to start the negotiations moving again so as to maintain momentum.

(Mr. Offor, Nigeria)

17. Events in the former Soviet Union, the Baltic States and other parts of the world has demonstrated the legitimacy of peoples' striving for self-determination. That principle should be given concrete meaning wherever desirable. It should be taken into consideration in the case of the Saharan people and, in that connection, his country welcomed the efforts of the Secretary-General and his Special Representative to the United Nations Mission for the referendum in Western Sahara (MINURSO) to overcome difficulties and, in particular, to resolve the dispute over criteria for eligibility to vote in the referendum. His delegation renewed its appeal for the dispatch to Western Sahara of a special representative of the Chairman of the Organization of African Unity (OAU), with adequate staff. The recognition by OAU of the Saharan Arab Democratic Republic was without prejudice to the outcome of the referendum, which would be organized and supervised entirely by the United Nations.

18. His delegation had followed with keen interest the progress of the peace initiative in the Middle East and commended the role of the United States and the Russian Federation. In his country's view, dialogue would make it possible for Palestinians and Israelis to acknowledge one another's right to a homeland.

19. The United Nations must continue its efforts to eliminate racism and to promote the right of peoples to self-determination. Racism should also be combated through national legislation and, to that end, his delegation proposed that regional monitoring bodies should be established.

20. Mr. MARKS (United States of America) said that, after the repeal of General Assembly resolution 3379 (XXX) equating zionism with racism, the United States was prepared to consider participation in the adoption of a resolution on the proposed third decade against racism and racial discrimination. Eliminating racism was an enormous challenge. His country had suffered from its results in the past, and even in the present, the treatment of individuals in American society sometimes gave evidence of racial discrimination. Laws and procedures had been reformed to provide protection against racism and discrimination, but since they were interpreted and carried out by fallible human beings, the constitutional system contained safeguards such as judicial review, civilian control of the police and military, and trial by jury.

21. It was impossible to eliminate racism from the hearts of human beings, but the United Nations could work to enable Governments to devise laws and other safeguards to protect individuals from its effects. Education could play a part by helping future generations to see the effects of racial discrimination and the way to prevent such destructive behaviour through respect for human rights. A programme of action for a third decade should focus on the reform of legal systems and education. Activities contained in the Programme of Action for the Second Decade, such as training in the preparation of national legislation to combat racism and seminars on community

(Mr. Marks, United States)

relations commissions, should be expanded, and the Secretariat should continue to take advantage of the expertise available through the Centre for Human Rights. On the other hand, his Government firmly believed that the elimination of apartheid was imminent; therefore, it did not approve of the continued and disproportionate emphasis on apartheid in the proposed programme of action.

22. The American people were strongly committed to the complete dismantling of apartheid. The United States welcomed the progress made over the past year and urged all parties to resume the negotiations as soon as possible. It called on the Government of South Africa and all other parties to take action to reduce the level of violence, which if unchecked, would destroy the trust necessary for successful negotiations. In view of the progress made, the United States continued to oppose calls for comprehensive mandatory sanctions. His delegation hoped to work with other delegations to produce resolutions reflecting the reality of the situation without inflammatory language.

23. Turning to the right to self-determination, he said that his delegation did not agree with the Committee's emphasis on the question of Israel and the occupied territories. Self-determination was a complex human rights issue that was not illuminated by dwelling on Israel and the Palestinian people. Furthermore, proposed resolutions on that item should reflect the reality of the situation. The parties in the Middle East were engaged in delicate but promising negotiations towards a comprehensive peace settlement based on Security Council resolutions 242 (1967) and 338 (1973). Those negotiations had produced fundamental and irrevocable changes in the way the parties addressed their differences. The current Government in Israel had announced its intention to shift priority from settlement in the occupied territories towards the resolution of pressing social and economic problems within Israel. The parties had begun to grapple with the key issues of land, peace and security. While there had been no breakthroughs, they had laid a good foundation for progress. Any resolutions on that situation must therefore employ the most accurate and even-handed language possible.

24. All delegations must work together to find new, valid expression to their justified outrage against racism and suppression of the right to self-determination. He urged the adoption of draft resolutions addressing the very real problems by proposing achievable goals without useless rhetoric.

25. Mr. O'BRIEN (New Zealand) said that the commitment to rid the world of racism had been one of the first challenges facing the United Nations, and it remained a challenge up to the present day. New Zealand was a multiracial society with the goal of achieving harmonious relations among its various groups. Though it could not claim to be free from discrimination, its Government had a strong political will to ensure that equality and non-discrimination would become a reality.

(Mr. O'Brien, New Zealand)

26. The 1840 Treaty of Waitangi between the Maori people and the Crown was the country's founding document. Recently, his Government had made continuing efforts to negotiate claims by Maori in respect of that Treaty. It was also working to see that existing programmes reflected the needs of Maori and provided them with better access to health, education, training and economic resource development. The recently established Ministry of Maori Development, Te Puni Kokiri, sought to ensure Maori participation in the public and private sectors in a competitive environment. Such participation was vital for Maori development, but also contributed to the growth of the nation as a whole, and consolidated the sound working partnership between Maori and the Government.

27. His Government had welcomed the progress in dismantling apartheid in South Africa over the past two years. It was unrealistic, however, to suppose that the path towards that goal would be smooth. The breakdown in the negotiations and the escalation of violence had demonstrated that apartheid would not disappear simply because its statutory bases had been removed. Peace and equality for all the people of that country was now possible in law, but it must still be achieved in practice. Abandoning the negotiations would have unthinkable consequences.

28. His Government believed that the will existed in South Africa to achieve a truly non-racial and democratic State and that each step towards that goal should be acknowledged by the international community. New Zealand had also been encouraged by the South African Government's acceptance that the international community had a legitimate interest in the situation. New Zealand had welcomed the South African Government's constructive response to the recent Security Council debate and the observer fact-finding mission subsequently authorized under resolution 772 (1992) to work within the structures set up under the National Peace Accord. New Zealand intended to participate in a Commonwealth observer group.

29. New Zealand joined the international community in expressing its total abhorrence of the practice of "ethnic cleansing". It fully supported United Nations initiatives to help the victims of the conflict in Yugoslavia, and was preparing to receive a group of people affected by the fighting.

30. New Zealand fully supported the central role of the Committee on the Elimination of Racial Discrimination, but it had been disappointed that the Committee's effectiveness had been compromised because of financial difficulties. It supported the proposal to amend the Convention to allow funding of the Committee from the United Nations regular budget. It also urged States parties to make an effort to fulfil their reporting requirements.

31. With regard to self-determination, his Government was gratified that the process leading to self-determination in New Caledonia remained on course, and was encouraged by the constructive approach adopted by the French Government. Concerning Cambodia, his Government was following closely the implementation of the Paris Agreements and the work of the United Nations Transitional

(Mr. O'Brien, New Zealand)

Authority in Cambodia (UNTAC). It had contributed to both the military and the civilian components, because of its commitment to the principle that all the people of Cambodia had the right to shape their country's destiny in conditions of peace and stability. With regard to the Middle East, New Zealand fully supported the right of the Palestinian people to self-determination. The current peace talks presented the best opportunity yet for settlement of that issue.

32. Despite the dawning of a new era in international relations, racism and racial discrimination persisted, and self-determination was not yet universal. New Zealand remained committed to its role in responding to those continuing challenges.

33. Ms. MANSARAY (Sierra Leone) said that her delegation welcomed United Nations efforts to promote human rights and fundamental freedoms, although the world was witnessing a resurgence of racial discrimination, and recent events had dimmed hopes for the elimination of that scourge.

34. Recent events in South Africa continued to give cause for concern. Despite abolition of the apartheid laws, more people had been killed than before their repeal. If the South African Government was to continue to receive the cautious approval of the international community for its agenda of political reform, it must demonstrate its good faith by putting a stop to the descent into anarchy and by bringing the perpetrators of the violence to justice.

35. The civil war in Liberia had had castastrophic consequences for Sierra Leone and its people. Her country had received many refugees from Liberia because of the total breakdown of law and order in that country. As mentioned in the report of the Special Rapporteur on the question of mercenaries (A/47/412), the States in the subregion, including Sierra Leone, after careful deliberation and with great reluctance, had decided to send a peace-keeping force known as the Economic Community Monitoring Group (ECOMOG) to Liberia to end the factional fighting. Because Sierra Leone had provided a base for the ECOMOG peace-keeping force, the National Patriotic Front of Liberia forces loyal to Charles Taylor had launched an invasion of the country. Many lives had been lost and the national economy - particularly agriculture and mining - had been severely affected. The army of Sierra Leone had made great efforts to ensure the protection of civilians not engaged in the war and had refused to follow the path of NPFL, which had committed grave violations of human rights.

36. Her delegation supported the observations of the Special Rapporteur that unless the internal conflict in Liberia was brought to a speedy conclusion, it could involve other countries of the subregion.

37. Mr. COLOMA (Chile) said that the political, legal and social measures taken during the Second Decade represented a valiant effort on the part of

(Mr. Coloma, Chile)

Governments, the United Nations and non-governmental organizations. His country fully endorsed the work of the United Nations in that area and acknowledged that social stability and peace could only be preserved through legal guarantees of the enjoyment of human rights for all.

38. While recognizing the advances made in the field of human rights, his delegation was concerned about the persistance of racism and the re-emergence of xenophobia, in particular with respect to immigrants from developing countries. Consequently, it strongly favoured proclaiming a third decade.

39. Action to combat racism involved a number of aspects. First, in a world which increasingly viewed democracy, freedom and development as the fundamental pillars of social stability, it was essential to recognize the universal nature of racism. Secondly, preventive actions should be stressed: the principle of non-discrimination should be part of human rights education. Thirdly, the principle of non-discrimination should be universally recognized as a binding rule of international law. Fourthly, emergency actions should be envisaged, to be used by the United Nations in cases where racial discrimination had caused a breakdown in the domestic order and external relations of a particular society. Lastly, for the purposes of combating racism, allocation of resources from the United Nations budget, voluntary contributions and funding from the private sector should all be encouraged.

40. The moves in South Africa towards dismantling apartheid thus far were encouraging but inadequate. The process was a fragile one: certain groups in power were willing to use violence to stop it. The United Nations had to persist in its efforts to bring about full equality in South Africa.

41. Chile wished to reaffirm its support for the work of the Committee on the Elimination of Racial Discrimination. The Government had been taking new measures to protect and develop the country's indigenous populations, with a view to increasing their participation in national life. It had replaced the traditional policies of cultural assimilation with a policy based on respect for the identities of indigenous peoples, thereby enshrining ethnic diversity as a value, rather than an obstacle to progress. It had begun enacting legislation which conformed with its new policies and with international instruments on indigenous peoples, being one of the first to accede to the International Labour Organisation's convention concerning indigenous peoples. It was drafting a bill relating to the protection and development of indigenous peoples and had initiated legislation to give constitutional recognition to those groups.

42. The grave situation in Bosnia and Herzegovina, a result of the aggression by Serbia and Montenegro, seriously violated the right of peoples to self-determination. His Government wholeheartedly supported Bosnia and Herzegovina in its struggle to maintain its territorial integrity, sovereignty and national unity. It shared fully the concern of the international community about the daily violations of human rights in that republic and

(Mr. Coloma, Chile)

endorsed General Assembly resolution 46/242 on the situation in Bosnia and Herzegovina.

43. His delegation endorsed the United Nations peace plan for Western Sahara and hoped that both parties concerned would find mutually satisfactory solutions to the conflict. With regard to Haiti, the deplorable situation in that country could not be overlooked. The de facto regime that had overthrown the democratically elected President was still in power. His country fully supported the initiatives taken by the Organization of American States to return to the Haitian people their legitimately elected representatives and would continue to provide humanitarian assistance to Haiti.

44. Ms. KRASIKOVA (Ukraine) said that the United Nations must fully support the negotiations under way in South Africa, help prevent new outbreaks of violence and strengthen the local structures set up in that country under the National Peace Accord. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Special Committee against Apartheid and other United Nations bodies were making a positive contribution to the implementation of the Programme of Action for the Second Decade. The International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Supression and Punishment of the Crime of Apartheid constituted the basis for international cooperation to combat racism.

45. Universal accession to the former of the two would promote the success of the World Conference on Human Rights in 1993. Her country had already made the declaration provided for in article 14 of that Convention. Endorsement by the General Assembly of the decision taken at the meeting of States parties to the Convention would improve the critical financial situation of the Committee. Compliance with international obligations in that field would be improved by setting up a permanent consultation mechanism between the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities. Such coordination would also promote the implementation of the Programme of Action for the Second Decade.

46. Her delegation was alarmed at the cases of discrimination against particularly vulnerable groups such as migrant workers, stateless persons and indigenous peoples. She welcomed the completion of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, which should be adopted by the General Assembly at the current session.

47. Respect for the right to self-determination was essential in order to ensure international peace and security as well as social progress and development. Ukraine had consistently advocated the speedy and complete affirmation of the right of peoples to determine their own destiny. Strict observance of that principle was of great importance in order to protect human rights.

(Ms. Krasikova, Ukraine)

48. The United Nations must guarantee the independence of newly independent States striving to achieve democracy. Her delegation welcomed the attainment or restoration of national statehood in Central and Eastern Europe and stressed the need to observe the principles of the Helsinki Final Act in order to maintain peace and stability in the region. The conflicts occurring in the former Yugoslavia and a number of republics of the former Soviet Union underscored the need to implement the right to self-determination through peaceful means in strict compliance with international law and respect for human rights. Her country was aware of its responsibility to ensure that the restoration of Ukrainian statehood was carried out in a peaceful and democratic way with full account taken of the interests of all the nationalities residing in its territory.

49. Mr. MARTINO (Observer for the Holy See) said that, despite almost half a century of action to combat racism, spearheaded by the United Nations, racial hatred and violence were still dangerously alive and were assuming new and cruel visages. In 1988, the Pontifical Council for Justice and Peace had published a text entitled The Church and Racism - Towards a More Fraternal Society, designed to promote mutual respect between ethnic and social groups. A high-level seminar based on that text had been held at the United Nations in September 1989, sponsored by the Mission of the Holy See.

50. In his message presented on the 1989 World Day of Peace, Pope John Paul II had, with great foresight, addressed the issue of respect for minorities. The Pope had said that, in nations made up of various groups, two general principles had to be fully respected. The first was the inalienable dignity of every human person, irrespective of race, culture or religion. Individuals did not exist for themselves alone, but achieved their full identity in relation to others. Groups of people were entitled to their collective identity, which must be safeguarded, in accordance with the dignity of each member. At the same time, members of minority groups had the duty to treat others with respect and a sense of dignity. The second principle was the fundamental unity of the human family. Thus, the whole of humanity must form a community free from discrimination and based on reciprocal solidarity.

51. In his message, the Pope had also emphasized that the primary right of minorities was their right to exist. To safeguard that right, minorities must be able to preserve and develop their own culture, to have contacts with other groups sharing a common heritage, and to enjoy religious freedom. The Pope had further observed that each right carried with it corresponding duties. It was incumbent on members of minority groups to cooperate for the common good and to help build a peaceful world. Delicate problems arose when minority groups put forward claims which had political implications. In such circumstances, dialogue and negotiations were the only path to peace; refusal led only to violence and bloodshed, of which the world currently witnessed many examples.

(Mr. Martino, Observer, Holy See)

52. The Holy See had responded actively to the crisis in the Balkans since its inception. A small volume entitled Crisis in Yugoslavia - Position and Action of the Holy See (1991-1992) had been sent to all United Nations missions. The Pope had spoken frequently on new developments and had taken initiatives aimed at a cessation of hostilities and mobilization of large-scale relief activities. A number of interreligious cooperative activities had also been undertaken. Immediate action to assist the victims of the Balkan conflict was needed at the national and international levels. In addition, Governments needed to enact legislation aimed at protecting all citizens. It would also be appropriate for the Committee on the Elimination of Racial Discrimination to focus on the ethnic conflict and infamous "ethnic cleansing" taking place in the territory of Bosnia and Herzegovina.

53. Echoing the concerns frequently expressed by Pope John Paul II, the Holy See wished to uphold the rights of all victims of racial hatred and to mobilize assistance for them. It urged the international community to protect the fundamental dignity of all peoples. Survival of peoples must take precedence over political interests, and respect for human rights and democracy must be promoted in order to restore peace.

54. Mr. BRITO CRUZ (Brazil) said that, while the setting of international standards for non-discrimination on the basis of race was a notable accomplishment of the United Nations, recent events showed that the task of ensuring respect for those standards was far from being completed.

55. Brazil reiterated its strong condemnation of the human rights violations in the former Yugoslavia, especially the criminal practices associated with the policy so cynically termed "ethnic cleansing". With regard to South Africa, Brazil strongly favoured continued United Nations action in support of efforts to achieve social peace and democracy in a non-racist and united country. It was concerned about the serious violence there and sympathized with the victims, hoping that the current transition would be successfully and promptly concluded, with the total eradication of apartheid.

56. The emergence of new forms of racism and the resurgence of xenophobia and racist movements, especially as evidenced by violence against ethnic minorities, foreigners and refugees, must be dealt with by the United Nations. Brazil welcomed the recommendation by the Subcommission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur on contemporary forms of racism.

57. There was a fundamental conceptual link between questions of racial discrimination and self-determination. Self-determination could be seen as a democratic principle of non-usurpation, by external or domestic actors, of sovereign prerogatives. The relation between self-determination and democracy underscored the links between self-determination and the situation of minorities; complex though the issues were, the democratic principle of

(Mr. Brito Cruz, Brazil)

self-determination must be conceived in a broad framework that included the protection of minorities. Too often, exclusionism and intolerance lurked beneath the respectable disguise of self-determination, and doctrines of racial hatred were expressed by extremist groups in the name of the nation-state, seen as the exclusive property of a particular ethnic group. Brazil supported the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, now before the General Assembly.

58. The notion of tolerance was an indispensable counterbalance for persistent prejudice and ignorance. The United Nations must include tolerance as an important element in its efforts to eradicate racism and to ensure the protection of minorities. The proposal by the Director-General of UNESCO to observe an international year of tolerance deserved careful consideration. He recalled that self-determination had meant national independence for Brazil, but had also given his country the opportunity to build a nation based on a diversity of cultures, races and ethnic groups.

59. Aware of the great significance of the work of the Committee on the Elimination of Racial Discrimination in monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, Brazil had supported the amendment to the Convention proposed at the meeting of States parties to the Convention to ensure stability in the financing of the Committee, and hoped that prompt and appropriate action would be taken thereon by the General Assembly.

60. Brazil was gratified to note the unanimous support for the launching of a third decade to combat racism and racial discrimination, would participate actively in the preparation and the activities of the decade and considered that the decade, which must address adequately the problem of the contemporary forms of racism and xenophobia, should receive priority attention in the United Nations.

61. Mr. KHOUINI (Tunisia) said that the emergence of new forms of racism, synonymous with intolerance and xenophobia, was a matter of serious concern. Migrant workers were particularly exposed to discrimination. The Tunisian Government urged host countries to control the manifestations of racial tension and eradicate its causes. They should adopt stronger measures to protect migrant workers and promote tolerance. Stemming the flow of migrants to industrialized countries could not be achieved by closing borders or other repressive measures; the only way was to help the developing countries to provide employment opportunities for their citizens. Such opportunities could be worked out in partnership with the Governments concerned and might involve, for example, the establishment of small- and medium-sized enterprises or codevelopment projects. Special attention must also be given to legalizing the situation of immigrants in the host countries, having due regard for their dignity, interests and acquired rights.

(Mr. Khouini, Tunisia)

62. While welcoming positive developments in South Africa, he regretted the renewed violence there and hoped for a resumption of political dialogue and a speeding up of the process leading to the eradication of apartheid and the goal of a united, democratic and non-racial South Africa.

63. Despite the commendable activities undertaken as part of the Second Decade, much remained to be done, and he therefore fully supported the launching of a third decade, in which special attention should be given to new forms of racism and new manifestations of intolerance and xenophobia. International action must be accompanied by the will of Governments to eradicate racism. The Tunisian Government attached particular importance to education in that regard.

64. Certain peoples were still denied the right to self-determination, a recent example being that of the people of Bosnia and Herzegovina. The Tunisian Government supported the Security Council resolutions calling for measures to protect human lives and halt the aggression against that country.

65. The oppressed Palestinian people continued to be denied the right to self-determination. His Government supported current efforts to find a negotiated solution. Such a solution was contingent on the implementation of Security Council resolutions 242 (1967) and 338 (1973), recognition of the legitimate rights of the Palestinian people and withdrawal by Israel from all the occupied Arab territories, including Jerusalem.

The meeting rose at 12.20 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
8th meeting
held on
Wednesday, 14 October 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. KRENKEL (Austria)

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EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

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AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

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19 October 1992

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The meeting was called to order at 10.15 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

1. The CHAIRMAN, on behalf of all the members of the Committee, expressed sympathy to the Government of Egypt in connection with the recent earthquake in its country.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1, A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, A/47/412, A/47/433; A/C.3/47/3)

2. Mr. KHALIFA, Special Rapporteur, introducing his updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (A/47/480 and Add.1), drew attention to a new section (II) on the effects of sanctions in South Africa. His regularly updated list, within the sanctions process as a whole, had been instrumental in bringing the Government of South Africa to the negotiating table. Sanctions, especially financial sanctions and the resulting capital shortage, had put an unbearable strain on the economy. Economic constraints had also forced the South African Government to withdraw from Angola and Namibia.

3. Ever since President de Klerk's "wind-of-change" speech of 2 February 1990, which had been a mere declaration of intent, and particularly since the 17 March 1992 referendum, there had been concerted efforts, especially in some media circles, to allay the concern of the world community and ease the pressure on South Africa by painting a rosy, but distorted, picture of the situation. Three years after that speech, the main issue, eliminating apartheid, remained an elusive target, while white South Africa had escaped world wrath, shed most sanctions and regained acceptance politically, economically and culturally. While the so-called "legal pillars" of apartheid were said to have been brought down, blacks still did not have the right to vote. Apartheid remained deeply ingrained in the economy, culture, demography and soul of the people. Blacks had no means to buy land, benefit from a proper education or appropriate medical services, or secure jobs or better jobs. The present regime had not addressed the question of glaring inequalities and the just distribution of resources. Meanwhile, many African and other States had hastened to establish trading, financial and business contacts with South Africa, without waiting for the establishment of an interim Government or for tangible proof of the regime's stated intentions.

4. The power of sanctions, which had peaked between 1985 and 1989, had begun to dwindle by the second half of 1990 and had since collapsed. The United Kingdom had triggered the movement by lifting sanctions early in 1990, followed by the European Community and the United States. Within the United Nations itself both the Centre against Apartheid and the Centre on

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Transnational Corporations had been downgraded by the appointment of more junior officials at their head. The optimism displayed in some United Nations bodies was incompatible with a realistic assessment of the situation and with the moderate position of Mr. Mandela, endorsed by the Commonwealth Heads of Government (with the exception of the United Kingdom) advocating a phased approach linking any change in the application of sanctions to practical progress towards ending apartheid.

5. It was most distressing to note that the international community was relaxing its pressure at a time of unprecedented violence in South Africa. Notwithstanding the National Peace Accord signed on 14 September 1991, with its Code of Conduct for political parties and organizations, factional violence continued unabated and the South African authorities were unable or unwilling to bring it to an end. An independent survey conducted by the International Commission of Jurists had found that the Government was in a position to put an end to the violence in less than six months, and yet the authorities were fanning the flames by siding with one black party against others in order to serve their own purposes and preserve the status quo. It was now widely believed that there was a third force within the army and the police force, fomenting discord among black communities. Such forces must be brought under multiparty control and some kind of United Nations international monitoring operation. The Government should be required to disband all its special forces units, halt its "hit squad" activities, repeal repressive legislation, prosecute all members of the police force involved in fomenting violence and ban the carrying of dangerous weapons, including cultural weapons. The blacks of South Africa also bore their share of the blame, since tribalism and ethnic jealousies did not augur well for future democracy. Meanwhile, given the current situation, the negotiations could be expected to remain stalemated for months or even years. The prospects for the economy and for the quality of life of all South Africans were bleak. In that context, could it be said that pressure was no longer needed?

6. Now that the sanctions edifice had crumbled and collaboration with South Africa was no longer a source of shame, there was little point in pursuing the work on the updated lists he had been preparing for the past decade. He now wished to be relieved of that task, in the belief that the list should be replaced by other ways of helping to bring an end to apartheid. Political will and muscle must be used to deliver a clear message to Mr. de Klerk that until he had enfranchised the black majority, he would neither win peace at home, keep his stature abroad nor regain foreign investments or financial support.

7. Given the local context and the resurgence of the most flagrant forms of racism and intolerance in the world, there was little hope that racism would be wiped out over night in South Africa. However, the regime there opposed even the preliminary steps towards establishing the constitutional machinery that would permit such an accomplishment in the near future. In the current explosive circumstances, time was running out. The only alternative to a

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negotiated settlement was recourse to force and the eruption of violence - a senseless outcome in a country in which the legitimate majority would inevitably bring about change.

8. In conclusion, he expressed gratitude to all for their support and sympathy, since he had now undoubtedly come to the end of his mandate.

9. Mr. BERNALES BALLESTEROS, Special Rapporteur, introducing his preliminary report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412), said that visible progress had been made in the exercise of the right of self-determination in Africa in recent years. The sovereignty of several African States had been strengthened and external aggression had diminished, with the result that mercenary activities had declined, as could be seen from section II of the report. Progress had been particularly marked in southern Africa.

10. In Angola, the 1991 peace agreements had effectively put an end to a long conflict. The process of national reconciliation had progressed considerably and the way had been prepared for the establishment of a democratic regime as a result of multiparty elections monitored by international observers. The mercenary activities which had caused so much damage to the country were at an end. The Angolan people were now effectively exercising their right to self-determination and, barring any new complaints, the Special Rapporteur's mandate in Angola could be considered complete.

11. Some progress had been made in the internal conflict in Mozambique. Although armed opposition by the guerrilla organization RENAMO had continued and mercenaries had been involved in the war, the Rome talks between the Government of Mozambique and RENAMO had resumed, leading to a peace agreement which would require the full support of the international community.

12. Apartheid was a system of racial discrimination based on crimes against humanity and mass violations of human rights. The use of mercenaries had been one means of imposing and maintaining apartheid, as well as impeding the self-determination of other African peoples. The participation of mercenaries in conflicts in the region and their use in attempts on the lives of leaders of the African National Congress (ANC) were the subject of a number of judicial investigations currently under way in South Africa which had confirmed the participation of mercenaries in criminal activities.

13. Although the considerable progress had been made in dismantling the apartheid regime, there was still serious opposition to that process which had resulted in situations of extreme violence. In spite of the present climate, in which groups of the white minority, working with well-known mercenaries, were using violence and fomenting ethnic conflict to prevent the black majority from winning equal civil and political rights, the dismantling of apartheid had continued. Recent weeks had seen a resumption of the political dialogue between the Government and opposition forces, particularly ANC. The

(Mr. Bernales Ballesteros)

continuation of that dialogue and the conclusion of agreements ensuring democracy and participation under a new constitutional system in South Africa were very important. That process must receive every support; at the same time, international pressure must be maintained until apartheid was completely dismantled and a democratic system guaranteeing the full and equal enjoyment of human rights for all the population was established.

14. With regard to the armed conflicts in the former Yugoslavia, his report was provisional and mainly contained information on complaints of mercenary involvement in the conflict. Verification of the information received, consideration of official communications from Governments and an analysis of the situation in the field were essential in order to make recommendations for helping restore peace in the region.

15. The principal victim of the war in Bosnia and Herzegovina was the civilian population. Some 75 per cent of the territory of that Republic was involved in the armed conflict. The dead and wounded numbered in the thousands; thousands more had lost their homes and become refugees. Worse still, as part of the practice of "ethnic cleansing", various concentration camps had been established where the most basic human rights were being violated. Reports of the presence of mercenaries had been received from official sources, non-governmental organizations and the international press, linking mercenaries to crimes, torture, disappearances and other types of atrocities. As usual, mercenaries had appeared because they profited from war, human suffering and death.

16. Slovenia, Croatia and Bosnia and Herzegovina were sovereign Member States and had the right to defend themselves and organize their armies. The exercise of that right, and even the temporary presence in their armies of international volunteers, was a completely different matter from the use of mercenaries, who sought to prolong and intensify conflict for their own purposes.

17. There were numerous reports of serious violations of human rights by mercenaries, who were often described as "paramilitary forces". The number of foreigners participating in the armed conflicts in the territory of the former Yugoslavia, their status and how they had been recruited were questions which must be clarified in order to determine responsibilities. If mercenaries had violated human rights and international law, the culpability of those who had recruited and hired them should also be determined. Various United Nations resolutions had condemned the use of mercenaries, and it was within that framework that the involvement of foreign mercenaries in the armed conflicts in the former Yugoslavia must be ascertained.

18. He was in direct communication with all the States concerned, with a view to obtaining information on the status of foreign personnel involved in military activities in the former Yugoslavia and the legal basis for their involvement. The possibility of a visit in situ was also being considered. Since completing his report, he had received communications from the

(Mr. Bernales Ballesteros)

Governments of Slovenia and the Federal Republic of Yugoslavia in response to letters he had sent them asking about the presence of mercenaries in the conflicts in the region. Those communications would be included in his next report, along with information on his meetings with representatives of the Federal Republic of Yugoslovia, Croatia, Slovenia and Bosnia and Herzegovina.

19. The international community could not ignore the serious reports of the participation of mercenaries of various nationalities in the war and their involvement in the most appalling crimes against the civilian population. Those reports must be investigated in order to prove the presence of mercenaries and take the necessary measures to end their participation. That task must be carried out in close coordination with the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the Commission of Experts to be set up to investigate the evidence of atrocities, in order to restore peace and ensure respect for life and human rights as the basis for relations between the States of the region.

20. Mr. JAAFARI (Syrian Arab Republic) said that the changes and upheavals that had taken place in the world required the creation of a consensual international system capable of safeguarding the interests of States and maintaining the achievements made in the areas of law, justice and the dignity of peoples and nations. Within that context, the situation in South Africa was still a source of extreme concern. His Government welcomed the repeal or amendment of certain key racist laws, but wondered whether the Government was genuinely committed to ending repression and violence against the non-white population. Syria strongly supported the demands of the overwhelming majority of the people of South Africa for a democratic, non-racist society. In instigating bloody battles among the black population and fomenting tribal and ethnic strife, the Government of South Africa was seeking to plunge the South African people into a murderous civil war in order to distract them from their just struggle for legitimate rights. As the legislative and political progress made so far fell short of the demands of the people of South Africa, the international community must continue to exert pressure on the Government of that country until legitimate international demands were met with concrete action. It was necessary to maintain economic sanctions and to review the effectiveness of the mechanisms for their application in achieving the desired results.

21. The Palestinian people, too, had been living under foreign occupation and suffering from inhumane Israeli practices and policies for decades. Israel's purported attempts to find complicated formulas for combining the continued Israeli occupation of Arab territories with the exercise by the Palestinian people of its right to self-determination were completely spurious and far from what had been intended by the sponsors of the Madrid Peace Conference. Making the right of self-determination subject to selective explanations and interpretations divested that right of its moral value. The international community had affirmed that the achievement of peace in the Middle East depended on Israel's withdrawal from all Arab territories occupied by force and war and the guaranteeing of the legitimate national rights of the

(Mr. Jaafari, Syrian Arab Republic)

Palestinian people. Rather than complying with the wishes of the international community, Israel was following a course that was directly opposed. After doing everything in its power to delay the peace process, it was continuing to build settlements, fire on hundreds of women, children and youths demanding the release of 80,000 Palestinian prisoners held in Israeli detention camps, close schools and even, in its selective archaeological practices, seek to obliterate Palestinian history. Distorting history could not serve the purposes of a just and comprehensive peace in the region, nor could security and stability be achieved at the expense of any party. Israel must refrain from expelling Palestinians and settling Jewish immigrants on the land of Palestinians, 60 per cent of whom lived in exile.

22. The United Nations had made considerable progress towards achieving the goals of the Second Decade to Combat Racism and Racial Discrimination. His delegation hoped that the Committee would be able to recommend the adoption of a programme of action for the third decade to combat racism and racial discrimination shortly and to preserve the achievements made in the fields of the elimination of racism and the right of peoples to self-determination.

23. Mr. BAILLARGEON (Canada) said that racial discrimination was one of the greatest challenges facing the international community at the current time. As a multicultural country, Canada had made race relations an integral part of its multiculturalism policy since 1982. Action to combat racism and eliminate systemic discrimination involved institutions in all sectors of Canadian society. A constitutional reform was being carried out to strengthen existing guarantees and protection of the rights of minorities and give native peoples a greater measure of social and economic justice.

24. While racism was still a universal problem, South Africa continued to symbolize racism established as a system of government. The new South Africa was opening up increasingly to the outside world and developing political and social structures, but eradicating its racist heritage was a long and arduous process. While there had been considerable progress in the past three years, the political situation seemed to have become stalemated. It was gratifying to note that the international community had responded favourably to the request by the South African Government and various non-governmental organizations to send international observers to assist the National Peace Secretariat established in 1991 under the National Peace Accord. Although the legacy of over 40 years of institutionalized racism could not be wiped out overnight, the establishment of a climate of peace and the pursuit of a productive political dialogue were essential to South Africa's future. In the meantime, the international community must not forget those who were still deprived of the most basic civil and electoral rights.

25. Every society had a duty to fight the virus of racism and racial discrimination within its own borders. Current events in the former ugoslavia demonstrated the proportions that that virus could attain. Canada had protested, in the strongest possible terms, against the abhorrent practice of "ethnic cleansing", whatever its reason and wherever it was being

(Mr. Baillargeon, Canada)

practised. The first special session of the Commission on Human Rights and the appointment of a Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia were very important developments in the evolution of United Nations human rights mechanisms. Canada agreed wholeheartedly that there must be effective coordination between the Special Rapporteur's initiatives and those of other multilateral bodies, especially the London Conference and the Security Council. His delegation hoped that there would be increased cooperation within the international community in dealing with that crisis.

26. Significant progress had been made in recent decades in defining and codifying the rights of individuals to equality, protection and development. Canada would work with other countries to develop an effective programme of action for the proposed third decade to combat racism and racial discrimination. His Government was pleased that the discussions on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities were complete. States must do everything in their power to ensure that the declaration was implemented. Canada also welcomed the decision taken by the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination with regard to the funding of the Committee on the Elimination of Racial Discrimination and urged the General Assembly to adopt the proposed amendment to the Convention as soon as possible in order to improve the Committee's functioning.

27. Ms. JONSDOTTIR-WARD (Iceland), speaking on behalf of the Nordic countries, said that the interrelationship between peace and the prevention of racism was becoming increasingly evident. In the past year, the world had witnessed fearful sequences of killings deriving from discrimination in several regions of the world.

28. The Nordic countries had always condemned racism and strongly supported all efforts to eliminate it. They acknowledged the efforts of the United Nations in drafting international standards in that field, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. It was ironic that at a time when the Committee on the Elimination of Racial Discrimination (CERD) was faced with an increased workload, its sessions had been curtailed because of persistent financial shortfalls. The Nordic countries called upon all States parties concerned to meet their financial obligations under the Convention and urged the General Assembly to approve the amendment to the Convention proposed by the State parties to ensure financing for CERD.

29. Because the fight against racism and racial discrimination was far from over, the time had come to prepare for a third decade to combat those evils. Both CERD and the Subcommission on Prevention of Discrimination and Protection of Minorities should play key roles in drafting the programme of action for the third decade, which should emphasize clearly defined priorities and coordination of efforts. In planning for the future, it was important to recognize the changing nature of racial problems. Ethnic minorities,

(Ms. Jonsdottir-Ward, Iceland)

refugees, migrant workers, indigenous peoples and other vulnerable groups were the new victims of racism and racial discrimination and the entire range of political, social, economic, historical and cultural factors underlying the current wave of racism needed to be taken into consideration.

30. The Convention for a Democratic South Africa (CODESA) had provided a successful starting-point for democratic reforms in South Africa and must receive the continued support of the international community. The negotiating process, in which so many hopes had been placed, had been stalled by the eruption of violence and must be given renewed impetus. The recent summit meeting between President de Klerk and Nelson Mandela was only a start. The violence must be halted and the South African Government must protect the lives and property of all its citizens. All parties must remain committed to achieving democracy by peaceful means. The Nordic countries continued to provide assistance to victims of apartheid and urged other countries to do the same.

31. The transition to democracy in some regions had been accompanied by heightened ethnic and racial tensions, giving rise to economic disruption and forced migration. The Nordic countries strongly condemned the practice of "ethnic cleansing" in the former Yugoslavia. They endorsed United Nations efforts to put an end to that practice and to prosecute those responsible for mass and flagrant violations of human rights.

32. Racism was a global phenomenon. Recent events served as a reminder that racism could occur anywhere unless firm action was taken to discourage it. It was incumbent on every Government to ensure that racial prejudice was eliminated through legislation, training and education. In the home, parents must teach their children tolerance and equality: commitment on a personal level was a prerequisite for success on the national and international levels.

33. Mr. THEUERMANN (Austria) said that an extensive body of international legal instruments affirming the principle of the dignity and equality of all human beings without distinction had been established, with the International Convention on the Elimination of All Forms of Racism and Racial Discrimination at its core. After two decades of effort, however, old forms of discrimination had not yet fully disappeared and new forms, such as growing nationalism and xenophobia in response to increasing migration, were emerging. His delegation therefore supported the proposal for a third decade to combat racism and racial discrimination. It was concerned that, while the workload of the Committee on the Elimination of Racial Discrimination (CERD) was increasing, its sessions had been substantially reduced because of the failure of many States parties to pay their outstanding contributions, it supported the funding of CERD from the United Nations regular budget.

34. The case of the former Yugoslavia demonstrated that racism and racial discrimination could lead a country and even an entire region into war and destruction. Austria had already expressed its abhorrence of the policy of "ethnic cleansing" and welcomed the measures taken by the Security Council and

(Mr. Theuermann, Austria)

other United Nations bodies, including the holding of the first special session of the Commission on Human Rights and the appointment of a Special Rapporteur. The holding of a special session had underlined the need for clearer procedures to be followed in the case of gross violations of fundamental human rights. His delegation hoped that the proposed emergency mechanism of the Commission on Human Rights would be formally established without delay.

35. The situation in South Africa should remain under the close scrutiny of the international community. Further delay in the negotiating process could lead to further violence, the fragmentation of society, economic decline and despair, thereby intensifying the vicious circle of violence. Austria called upon all parties to make constructive contributions to the establishment of a climate conducive to negotiations.

36. The right of all peoples to self-determination had been one of the most influential legal principles of the twentieth century. Its invocation had permitted the eradication of colonialism and had brought the process of decolonization almost to completion. The quest for self-determination had also brought about fundamental changes in Central and Eastern Europe. The international covenants and other international instruments provided no definition of that right, however, nor any standards for invoking it. His delegation agreed that that right could be defined only on a case-by-case basis and that it was not identical with a right to secession. During the decolonization process, the creation of new sovereign States had been the prevailing method of implementing that right, but other modes could be found. Realization of the right to self-determination meant, first of all, the establishment of an internal order based on good governance, respect for human rights and fundamental freedoms and political accountability, in order to allow all the people of a country to participate in the decision-making process. Democracy, political freedom and the holding of periodic and genuine elections were essential elements. The United Nations and other international organizations could play an important role in assisting the electoral process, and his Government was prepared to increase substantially its contribution in that field. The international community should also use all instruments at its disposal to ensure respect for the results of democratic elections. The tragic situation in Haiti, in particular, called for intensified action.

37. Austria subscribed fully to the Secretary-General's view that the sovereignty, territorial integrity and independence of States and the principle of self-determination must not be permitted to work against each other. The quest of a deprived people for self-determination went to the very foundation of international relations. Such claims were primarily requests to find a new design for a common political future, to be chosen by the people. New processes might be needed to address such claims, however. Statesmanship, vision, tolerance and self-restraint on all sides were needed to resolve such situations peacefully.

38. Mr. MARUYAMA (Japan) said that his delegation associated itself with the many other delegations that had expressed support for the idea of continuing to pursue the goals of the Second Decade to Combat Racism and Racial Discrimination. Rather than proclaiming a third decade, however, it might be more practical to establish a five-year programme, upon completion of which a review and appraisal of changing conditions and achievements to date would determine whether the programme should be continued for a full 10 years. His delegation also supported the idea of appointing a thematic rapporteur or working group to address the issue of current manifestations of racism, racial discrimination and xenophobia. In that connection, his Government had provided substantial support to the Trust Fund for the Programme of Action for the Second Decade.

39. One of the most urgent issues before the Committee at the current session was how to compensate for the failure of many States parties to live up to their financial obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. His Government understood the difficult economic situation of States parties which had been obliged to delay fulfilling their obligations. Transferring those obligations to the United Nations regular budget might provide a quick and easy remedy, but an initiative with such profound and wide-ranging implications should be studied carefully, taking due account of General Assembly resolution 46/83. His delegation reserved its position on the matter pending a complete study of the issue by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). In any event, clear criteria must be established for determining which human rights treaty bodies should receive resources from the regular budget.

40. Turning to the situation in South Africa, his Government welcomed the recent agreement reached between President de Klerk and Nelson Mandela and the resumption of negotiations between the Government and the African National Congress (ANC). It hoped that Inkatha would resume its dialogue with the South African Government and would make further efforts to improve relations. At the same time, mass demonstrations and political rallies should be conducted in such a way as to avoid violence.

41. Another major barrier to the creation of a democratic society in South Africa was the great disparity in socio-economic conditions. The Government of Japan had increased its contributions to United Nations trust funds and non-governmental organizations providing assistance to the victims of apartheid. It had also accepted an increasing number of non-white South African trainees under a programme offered by the Japan International Cooperation Agency. His Government agreed fully with members of the Commission on Transnational Corporations who were advocating a shift of emphasis in order to determine how transnational corporations might promote economic and social development in a democratic South Africa. His delegation hoped that the positive role of transnational corporations would be given greater attention in future studies.

(Mr. Maruyama, Japan)

42. With regard to self-determination, Japan utterly condemned the policy of "ethnic cleansing". It endorsed Security Council resolutions 771 (1992) and 780 (1992) and urged all parties to the conflict in Bosnia and Herzegovina to do everything in their power to bring such inhuman acts to an end.

43. The role of the United Nations in promoting the peace process in Angola had shown the Organization at its best. Although it was not yet certain that the election results had been accepted by all parties, his delegation sincerely hoped that Angola would become a model for future United Nations peace activities. His Government believed that the comprehensive peace treaty signed in Mozambique would accelerate the movement towards peace in other regions of Africa.

44. His delegation reaffirmed its commitment to combating racism and promoting human rights and fundamental freedoms, which were possible only if peoples enjoyed the right of self-determination.

45. Mr. NECAJ (Albania) said that on the basis of the principle of self-determination, many countries which had suffered under colonial rule or foreign aggression and occupation had won their independence and become an important factor in international relations. The search for self-determination was still in progress, however, as demonstrated by the disintegration of multinational States which had been created and held together by force.

46. The relationship between the right to self-determination, territorial integrity of States and the rights of minorities must be addressed. Current problems in the Balkans stemmed from the policy of partition and domination applied by the various Powers which had ruled the region. Denial of the right of peoples to self-determination on the pretext of preserving the territorial integrity of States, and the treatment of those peoples as minorities had led to tragic conflicts. No nation in a multinational State could be treated as a minority. Current conflicts had not been caused by recognition of the right to self-determination and secession; on the contrary, they had resulted from the denial of those rights.

47. Secession was one way in which the right of peoples to self-determination was exercised. Much had been said about the territorial integrity and the inviolability of the borders of States which had in fact extended their territories illegally by force during the first half of the twentieth century. International law should not be used to protect a fait accompli brought about in violation of the principles of law and order. The recent experience of the former Soviet Union and the former Yugoslavia showed that peoples should be allowed to exercise their right of self-determination even if it jeopardized territorial integrity. Other methods of conflict resolution should, of course, be explored, but maintaining the status quo to the detriment of future peace, stability and security would fail to establish a sound foundation for the new world order. Independent States were reluctant to accommodate separatist claims for fear that they would threaten internal

(Mr. Necaj, Albania)

order and the stability of the international system. However, developments in international law and General Assembly resolutions recognizing the right of self-determination would seem to allow the principle of self-determination to be invoked, under certain circumstances, as the basis for legitimate secession.

48. Yugoslavia, a multinational State created in the aftermath of the Balkan wars and the First World War, had ceased to exist. Some of its peoples had achieved self-determination, but others were still locked in a life-or-death struggle. The world was shocked by the atrocities being committed in Bosnia and Herzegovina, but the policy of "ethnic cleansing" had first been employed against the Albanian majority in Kosova. In 1981, the Albanian population of Kosova had begun demonstrating against the communist dictatorship imposed by Serbia. It had taken more than eight years for the international community to begin giving cautious moral support to the Albanians in Kosova, because of the prevailing view that a strong Serbia as the central force would guarantee a strong Yugoslavia. It had become increasingly clear, however, that Serbian terror was the real cause of the disintegration of Yugoslavia. Albanian confidence in Yugoslavia had diminished steadily since the Serbian military administration had taken over Kosova in 1945, to the point where it was now non-existent. Since Yugoslavia had no future, Albanians in Kosova were demanding their independence so that they could resolve their own social and economic problems. Their demand for sovereignty was not motivated solely by economic considerations, but by the desire to preserve their language, educational system and traditional culture.

49. The Serbian response to the Albanian offer of dialogue had been to threaten repression and the colonization of Kosova by Serbs. A policy of forcible expulsion and assimilation against Albanians in Kosova had long existed. The only course of action open to Kosova Albanians was therefore to secede from Yugoslavia. If the majority of the population voted for secession in a referendum, the final stage would be independence. Serbia and Kosova Albanians would then negotiate the details of an orderly transition. The independence of Kosova was not an end in itself, but a means of achieving peace and stability in the region and restoring confidence and cooperation between Albanians and Serbs.

50. Ms. RADELINA (Madagascar) said that racism and racial discrimination were a violation of human rights and incompatible with fair and democratic societies and with the principles of the Charter of the United Nations. The struggle against racism must be waged at the international and national levels, with the United Nations playing a key role.

51. She wished to stress the importance of measures to promote the objectives set forth in the international instruments designed to combat racism and racial discrimination. Public information campaigns and education were of particular significance. History courses should emphasize that colonialism, slavery and genocide were manifestations of racial discrimination. Attention had recently been drawn to some historical events which might merit reassessment: Pope John Paul II had recognized that mistakes had been made in

(Ms. Radelina, Madagascar)

the name of evangelization; newspapers had published a photograph of Willy Brandt kneeling before a memorial to the Jewish victims of the Warsaw ghetto; and South African President de Klerk had made a public apology for the policy of apartheid.

52. While the steps taken to eliminate apartheid in South Africa were encouraging, much remained to be done. Her Government continued to support all constructive initiatives designed to halt the violence and speed up the democratic process in South Africa.

53. Her delegation was concerned about the emergence of new forms of racism, which were directed towards the most vulnerable population groups, whose situations were made even more precarious by lack of adequate education, health care and employment opportunities. It looked forward to the adoption at the current session of the General Assembly of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

54. Her Government endorsed the launching in 1993 of a third decade to combat racism and racial discrimination and stressed that any new approach should be based on a thorough understanding of the historical and current causes of racism. Activities for a third decade should place greater emphasis on the socio-economic impact of discriminatory practices between countries and the effects of racial discrimination on national economies. The work of the Committee on the Elimination of Racial Discrimination should be financed from the United Nations regular budget.

55. Her delegation wished to reaffirm the importance of the right of peoples to self-determination as a necessary condition for the enjoyment of human rights. The right to self-determination was not simply a question of national independence; in the broader context, it meant that peoples and nations should be free to participate in a universal movement towards democracy. In that connection, there were a number of encouraging signs world wide: the United Nations operation in Cambodia appeared to have the support of both sides; the recent agreement between President de Klerk and Nelson Mandela was paving the way for a resumption of the constitutional negotiations in South Africa; and the political situations in Angola, Mozambique and El Salvador were improving. Her Government was also encouraged by signs of progress in the Middle East and wished to reiterate its support for the full exercise of the inalienable rights of the Palestinian people. On the negative side, it strongly condemned the practice of "ethnic cleansing" in Bosnia and Herzegovina.

56. The use of mercenaries threatened international peace and security, violated human rights and was an obstacle to the exercise of the right of peoples to self-determination. Her delegation endorsed the recommendations contained in the report of the Special Rapporteur on the question of the use of mercenaries and welcomed the decision by the Economic and Social Council to extend his mandate for three years.

57. Mr. HYON Hakbong (Democratic People's Republic of Korea) said that racism and racial discrimination remained a serious problem. At the same time, a great deal of progress had been made during the two Decades to Combat Racism and Racial Discrimination and, in that connection, his Government endorsed the proposed elements of a draft programme of action for a third decade.

58. There had been a number of positive developments in South Africa, including the removal of the so-called "legal pillars" of apartheid, the release of political prisoners and the start of constitutional negotiations, yet the task of building a united, democratic South Africa remained fraught with difficulties: most recently, the democratization process had been stalled as a result of the Boipatong and Ciskei massacres.

59. A democratic South Africa could be achieved only through peaceful means and in that connection, he welcomed the recent agreement between President de Klerk and Nelson Mandela. The international community should refrain from taking any premature action to ease the pressure on South Africa, as that would only delay the eradication of apartheid, and should act strictly in accordance with the relevant United Nations resolutions and international instruments.

60. The right of peoples to self-determination merited particular attention. The evolution in international relations had given new impetus to the dream of a world free from oppression. As a member of the international community, every nation, regardless of its size and level of development, was entitled to choose freely its own political and economic system and to act on the basis of the principles of national sovereignty, self-determination and non-interference in the internal affairs of States. Many countries were still being deprived of those rights, however. The international community must put a stop to privilege and arbitrary practices and devote itself to developing friendship and cooperation among countries. It should not tolerate any attempt to interfere in the internal affairs of countries or to impose unfair blockades and pressures on them.

61. His delegation wholeheartedly supported the struggle of peoples to safeguard their national sovereignty and to exercise their right of self-determination, in particular the struggle of the Cambodian people and the struggle of the Palestinian and other Arab peoples to find a just solution to the Middle East conflict.

62. Mr. BHAGAT (India) said it was ironic that while the winds of change blew across the globe, the system of apartheid continued in South Africa. He hoped that under the leadership of Nelson Mandela, South Africa would become a non-racial and democratic society in the not too distant future. Developments over the past two years, including the signing of the National Peace Accord and the start of constitutional negotiations, were encouraging. However, the repeal of certain legislation, such as the Population Registration Act, the Land Areas Act and the Group Areas Act, had only begun to address the issue of legal reforms. Moreover, the recent outbreaks of violence threatened the

(Mr. Bhagat, India)

gains already made. While the September 1992 summit had opened the way for a resumption of the negotiations, a number of other steps were necessary to safeguard that process: the violence must be halted immediately; the liberation movements must unite behind Nelson Mandela; and the release of political prisoners must be addressed satisfactorily. The presence of United Nations observers should also contribute to a resumption of the negotiating process.

63. The United Nations had been the most vocal and effective leader in the fight against racism. While considerable advances had been made during the Second Decade to Combat Racism and Racial Discrimination, there was clearly a need for a third decade. Future action should focus on practical measures, including legislation to protect and provide recourse to victims of racial discrimination; remedial measures for political prisoners and detainees, particularly women and children; and affirmative action, an area in which his Government had been successful.

64. It was unfortunate that activities under the Programme of Action for the Second Decade had had to be curtailed because of lack of funds. States needed to back up their verbal pledges with financial contributions. His delegation believed that the General Assembly should approve the proposed amendment to the International Convention on the Elimination of All Forms of Racial Discrimination, which would provide for the Committee on the Elimination of Racial Discrimination to be funded from the United Nations regular budget.

65. It was alarming that a new variant of racial discrimination was emerging in Europe, targeting religious and economic minorities and refugees from developing countries. Concerned democratic Governments must take firm action to put a stop to that menace before it assumed dangerous proportions.

66. While the world's attention was elsewhere, Fiji had quietly institutionalized racism and racial discrimination. His delegation earnestly hoped that the Government of Fiji would renounce its discriminatory policies, return to democracy and fulfil its pledge to review its Constitution with a view to eliminating any racist features.

67. According to the report of the Special Rapporteur on the subject, the use of mercenaries was on the rise in spite of universal condemnation of this abhorrent practice, which was a blatant violation of human rights. His Government strongly condemned the use of mercenaries to infiltrate borders, commit murder and sabotage and promote terrorism among innocent peoples and against legitimate Governments.

The meeting rose at 1 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
9th meeting
held on
Wednesday, 14 October 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1 and A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, A/47/412 and A/47/433; A/C.3/47/3)

1. Mr. ELDEEB (Egypt) thanked delegations for their condolences and expressions of solidarity following the tragic earthquake in and near Cairo.

2. Mr. JOSHI (Nepal) said that since its inception the United Nations had promoted respect for human rights and fundamental freedoms for all people, without distinction, and had endeavoured to bring about the eradication of racism and racial discrimination. In that connection, Nepal noted with satisfaction that the number of countries that had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid continued to grow. Regrettably, however, the Committee on the Elimination of Racial Discrimination, which had been given responsibility for monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, was beset by such severe financial problems that it was hampered in discharging its functions. Nepal therefore welcomed the decision of the States parties to the Convention to amend the relevant articles of the Convention in order to allow the Committee on the Elimination of Racial Discrimination to be funded from the regular United Nations budget. Nepal was a party to all major human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. His delegation therefore attached great importance to the Second Decade to Combat Racism and Racial Discrimination and endorsed the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities to launch a Third Decade.

3. One of the ugliest forms of racism and racial discrimination had been apartheid, practised by the minority regime of South Africa. That institutionalized system of racism was an affront to the conscience and dignity of mankind, and constituted a grave threat to international peace and security. Only strict implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa would permit the creation of the necessary climate for the establishment of a non-racial and democratic South Africa; his delegation called upon the international community to adhere to the provisions of the Declaration. Nepal welcomed any measure that would help to eradicate the apartheid system. It therefore welcomed the release of Nelson Mandela and other political prisoners, the unbanning of political parties, the lifting of the state of emergency and the repeal of the Group Areas Act, the Land Acts and the Population Registration Act. The signing of

(Mr. Joshi, Nepal)

the National Peace Accord and the setting up of a negotiating process under the Convention for a Democratic South Africa (CODESA) were also to be welcomed. A serious obstacle, however, was the persistence of the violence inside South Africa. The negotiating process had broken down following the Boipatong massacre and the recent tragedy in Ciskei. Controlling violence and safeguarding lives was the primary responsibility of the South African Government. Nepal welcomed the recent summit meeting between Mr. Mandela and Mr. de Klerk, which would help to re-establish the negotiating process that had broken down in June.

4. The "ethnic cleansing" that had been taking place in the Republics of the former Yugoslavia was a reminder of the darkest days of the Second World War, and was yet another form of racism. Nepal demanded an immediate end to the policy in question, and supported the resolution adopted by the Commission on Human Rights condemning the concept of "ethnic cleansing".

5. Nepal was a multi-ethnic and multilingual country. The new Nepalese Constitution guaranteed human rights and prohibited discrimination. All citizens were equal before the law. The Nepalese people had never suffered from racism, racial discrimination or xenophobia, and the Nepalese Government would continue to do its best to prevent racism and racial discrimination.

6. Mrs. KAMM (United Republic of Tanzania) said that, regrettably, there had still not been much improvement in the global situation with regard to the elimination of racism and racial discrimination. In South Africa, the encouraging progress made in 1991, leading to the adoption of General Assembly resolution 46/79, had been frustrated by the unabating violence, which had claimed thousands of lives, as in the case of the massacres at Boipatong and in Ciskei. The violence had contributed to the breakdown in the negotiations towards a democratic South Africa and the dismantlement of apartheid. Her country called upon the South African regime to assume its responsibility for the maintenance of peace and security in South Africa, and urged all the people of South Africa to cooperate in the efforts to end the violence in order to create the conditions necessary for the resumption of negotiations. Her delegation, while welcoming the repeal of the basic laws of apartheid, was obliged to point out that in practice little had been changed. Apartheid remained deeply entrenched in South Africa's economy, in its political, educational and administrative systems, and in its legal system. The black majority still were not able to enjoy a free existence in South Africa because they continued to be denied their democratic rights and equality and social justice. That situation called for the intensification of pressure on Pretoria by the international community. In that connection, she welcomed the report submitted by the Special Rapporteur, Mr. Khalifa, containing an updated description of developments in South Africa. She also wished to commend the Security Council for resolution 765 (1992), adopted on 16 July 1992, inviting the Secretary-General to appoint a Special Representative on South Africa, as well as for resolution 772 (1992), adopted on 17 August 1992, authorizing the Secretary-General to deploy observers in South Africa to address areas of concern.

(Mrs. Kamm, United Republic of Tanzania)

7. While some progress had been made towards the elimination of racism in South Africa, the world now was confronted with new forms of racism. In Europe today there was a resurgence of xenophobia, claiming victims among immigrants and refugees, and in the former Yugoslavia the abominable practice of "ethnic cleansing" had caused untold suffering for the population. The United Republic of Tanzania condemned the killings, and urged the international community to exert further pressure to bring an end to them.

8. Her delegation commended the efforts of the United Nations and the international community to protect minorities and indigenous populations against racism and racial discrimination, and was pleased that the issue was dealt with in the report of the Committee on the Elimination of Racial Discrimination (A/47/18) and the report of the Secretary-General (A/47/432). However, it was regrettable that because of financial problems the Committee on the Elimination of Racial Discrimination had been able to meet only once in 1992. Her delegation therefore supported the proposal to fund that Committee's work from the United Nations regular budget. It also supported the launching of a Third Decade to Combat Racism and Racial Discrimination, as well as the preliminary programme of activities for the envisaged Third Decade. In addition to addressing the unfinished activities, the programme should address the new problems that had emerged as a result of the collapse of communism.

9. With regard to the right of peoples to self-determination, she said that the United Republic of Tanzania supported the cause of the Palestinian people and hoped that the ongoing negotiations would conclude successfully. Her delegation had studied with interest the note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412). It was heartened that an agreement had been concluded between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO), and urged both parties to abide by the agreement so that democratic elections could be held. It also commended the people of Angola for successfully concluding their first multiparty elections, and called upon those countries with influence over the National Union for the Total Independence of Angola (UNITA) to use their influence to persuade the UNITA leadership to accept the verdict of the Angolan people. Her country supported the United Nations plan for Western Sahara, and regretted that the differences over who should vote in the referendum continued to block the implementation of the plan. It urged all the parties concerned to cooperate with the Representative of the Secretary-General in his efforts to find a solution.

10. Racial discrimination and the denial of the right of peoples to self-determination were serious human rights violations. Her country hoped that the forthcoming World Conference on Human Rights, to take place in Vienna in 1993, would devote due attention to those issues and accord them the high priority they deserved.

11. Ms. SEMAFUMU (Uganda) recalled that, a few years previously, with the end of the cold war and the move towards democratization, the international community had been swept by a sense of euphoria. That euphoria had now been tempered by the contradictory trends that characterized the global transition and that were reflected in developments with regard to the agenda items before the Committee. On the one hand, 13 new Member States were being welcomed to the Organization; on the other, there was an alarming escalation in racial and ethnic discrimination.

12. The conflict in the territory of the former Yugoslavia was a tragic reflection of the dark side of that unfortunate trend. As a founder member of the Movement of Non-Aligned Countries, Yugoslavia had made an invaluable contribution to the struggle for self-determination at the height of the cold war. It was painful, therefore, to observe its degeneration in the face of a bloody war based on ethnic and religious differences. Uganda abhorred the practice of "ethnic cleansing", which was a barbaric violation of human rights.

13. Her delegation was gravely concerned at the rising tide of xenophobia and racism, particularly against refugees and migrant workers in Europe, and believed that practical measures aimed at stemming that tide should be an integral part of the programme of action for the proposed third decade to combat racism and racial discrimination.

14. The same contradictory trend that characterized the global transition could also be observed in South Africa: on the one hand, the repeal of the legislative pillars of apartheid and the auspicious process of the Convention for a Democratic South Africa (CODESA); on the other, the events at Boipatong and in Ciskei. The international community should maintain the necessary pressure to keep the South African Government negotiating in good faith, within the framework of CODESA. The South African Government should take concrete steps to curb the violence. Measures should also be adopted to address the inequities in the socio-economic sphere. Her delegation hoped that in the course of the proposed third decade to combat racism and racial discrimination, South Africa would finally become a democratic, non-racial nation.

15. Her delegation shared the concern expressed by other delegations at the financial constraints that were hampering the functioning of the Committee on the Elimination of Racial Discrimination. Her country had endeavoured to reduce its arrears, despite pressing financial difficulties.

16. No country could claim to be totally free of the scourge of racism. Uganda, a multi-ethnic nation, was working on a draft constitution that would form a sound legal basis for the prevention of discrimination.

17. Her country fully supported the launching of a third decade to combat racism and racial discrimination. While it endorsed the suggested goals for the third decade, however, it was convinced that the exclusion of the goal of mitigating the effects of racism and racial discrimination was an omission

(Ms. Semafumu, Uganda)

that should be rectified. It supported the activities proposed to combat apartheid and xenophobia, but believed that the role of information in combating racism should have received more prominent treatment in the report of the Secretary-General.

18. With regard to the right of peoples to self-determination, her delegation agreed that that concept should not be limited to colonialism and foreign occupation. Not only in developing countries but also in the developed world, factors such as poverty, ignorance and disease were impediments to the exercise of that right.

19. With regard to the question of Palestine, her delegation hoped that the United States peace initiative would achieve a breakthrough in the quest for a just and lasting solution, which was the key to peace and stability in the region.

20. Her delegation welcomed the Rome Agreement between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO). In Angola, it hoped that the elections would result in the return of peace and stability. It hoped that the difficulties with regard to the criteria for eligibility to vote in Western Sahara would be ironed out, so as to allow for the early holding of a referendum. It noted with appreciation the report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412) and supported the report's recommendation on strengthening domestic legislation in order to curb mercenary activities.

21. In conclusion, the global transition presented a unique opportunity for achieving the goal of respect for human rights and fundamental freedoms as outlined in the Charter of the United Nations and in the Universal Declaration of Human Rights. The degree of commitment to implementing the programme of action for the proposed third decade to combat racism and racial discrimination at the national, regional and international levels would determine the extent to which the gap between ideals and reality was bridged.

22. Mrs. HENNINGS (Bolivia) expressed concern at the limited emphasis given in the debate to the relationship between economic issues and the social or cultural causes of discrimination. The main racial conflicts in history had had economic causes and consequences.

23. Racial discrimination was not attributable purely to cultural differences or to differences in skin colour; it had political, social and economic facets which must also be confronted. The problem did not affect only developing countries, but also industrialized countries, which despite integration efforts had for some time been facing difficulties of coexistence. Discrimination could not be eliminated unless the barriers to international trade were removed. One could not speak of a free-market system if that system applied to capital flows but limited flows of manpower, know-how or

(Mrs. Hennings, Bolivia)

technology. People seemed to be learning to coexist in the developing countries, while conflicts and crises were arising in the countries of the North.

24. It was significant that the Nobel Prize for Economics had been awarded to a Chicago professor who had studied precisely that intimate relationship between racial issues and economic issues. It was unemployment and lack of opportunities in the developing countries that prompted migration to the countries of the North. The economic changes in the industrialized countries were not unrelated to the recent problems of xenophobia. Petroleum was a factor in many of the problems dealt with in the Security Council and there would not have been so much tolerance of racial conflict had a more direct economic interest not been involved.

25. Bolivia vigorously condemned all forms of racism and racial discrimination and regretted that, despite United Nations efforts, there had been a resurgence of racism and xenophobia. The international community could not permit the practice of "ethnic cleansing", which violated the fundamental rights of the individual, including the right to life. It also strongly condemned the apartheid system and believed that while the repeal of the legislative pillars of apartheid had been an important step towards its abolition, much remained to be done. It regretted that, despite the progress in the negotiations, acts of violence were still taking place. It urged the parties to the conflict to continue to take action to dismantle apartheid. With regard to the resurgence of discrimination against immigrants from developing countries, that situation must be considered in depth from the human rights standpoint.

26. Given the characteristics of the population of Bolivia, which was a multicultural and multi-ethnic State, her Government attached particular importance to the problems of the indigenous population. In order to ensure respect for diversity in unity, various steps had been taken, including the presentation of a national plan for the defence and development of the indigenous population and Bolivia's participation in the drafting of, and also its ratification of, the ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. Since economic problems called for economic solutions, the Ibero-American Conference of Heads of State and Government had, at the proposal of the President of Bolivia, established a fund for the development of the indigenous peoples of Latin America and the Caribbean. Bolivia would also be participating in 1993 in the activities of the International Year for the World's Indigenous People.

27. All such initiatives were inadequate, however. Discrimination was simply the manifestation of a much more deep-rooted problem which could now be tackled without ideological dogmas or self-interested doctrines. In building a new order, future generations must not be bequeathed a world divided by racial or cultural barriers.

28. Mr. AL-KINDI (United Arab Emirates) said that the fundamental purpose of the Charter of the United Nations was to strengthen relations among States based on respect for self-determination. The United Nations had also sought to win respect for the principles concerning the elimination of racial discrimination.

29. His country had always supported those objectives and hoped that, at the current session, the General Assembly would approve the programme of action of the third decade to combat racism and racial discrimination, since the objectives of the Second Decade had not been attained, despite the efforts of the international community.

30. He welcomed the change that had occurred in South Africa and supported efforts to achieve agreement for eliminating apartheid. He fervently hoped that the negotiations would lead to the establishment of an egalitarian and democratic society, based on the human rights of the population without distinction as to race. He rejected all forms of colonialism and vigorously condemned military intervention and the acquisition of foreign territory by force.

31. Membership in the United Nations was expanding with the admission of other States, but universality would not be achieved if it did not extend to peoples which, because of foreign occupation and colonialism, had been unable to exercise their right to self-determination; and that included the Palestinian people.

32. Article 1, pargraph 2, of the Charter called for respect for the principle of equal rights and self-determination of peoples. The Palestinian people also had the right to exercise self-determination in their national territory and the right to independence and sovereignty in their homeland. Those rights were upheld by United Nations resolutions and by an overwhelming majority of Member States. The Palestinian people's struggle against oppression, which had cost them great sacrifices, showed their determination to recover the land that belonged to them and not to renounce their rights. For a long time they had endured the yoke of oppression and maltreatment on the part of the Israeli authorities, which subjected them to discriminatory practices such as prolonged detention without trial, collective punishment, confiscation of lands and homes, expulsion and exile. Those measures constituted a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. His delegation supported the talks between the parties concerned and nourished the hope that they would enable a just solution to be found so that the Palestinian people could exercise their inalienable right to self-determination.

33. It had been hoped that the end of the cold war would enable a start to be made in eradicating the remaining sources of racial discrimination. Regrettably, that had not been the case. That had been borne out by the tragic events that had occurred in the Republic of Bosnia and Herzegovina as a result of "ethnic cleansing", which violated the principles of the Charter and

(Mr. Al-Kindi, United Arab Emirates)

other international human rights instruments. His country supported the adoption of measures against those guilty of such violations, in order to preserve the sovereignty, territorial integrity and political independence of that Republic.

34. Mr. GALAL (Egypt) said that, in its struggle against all forms of discrimination, Egypt had played a pioneering role, beginning with the draft resolution relating to religious and racial persecution and discrimination submitted by Egypt to the General Assembly at its first session and adopted unanimously as resolution 103 (I).

35. Since then, the United Nations had played an important role in the struggle against racism and racial discrimination, as witnessed by the proclamation of the First and Second Decades. His delegation commended the achievements of the Programme of Action for the Second Decade, but emphasized the necessity of completing the unfinished activities outlined in that Programme. In that regard, Egypt supported the resolution adopted by the Economic and Social Council at its substantive session of 1992, recommending that the General Assembly should proclaim a third decade to begin in 1993.

36. Egypt was convinced that the only way to ensure success was through precise coordination of activities undertaken by United Nations organs and specialized agencies, and persistence in ensuring the implementation of all the relevant international instruments. The task of the Committee on the Elimination of Racial Discrimination was to monitor the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, a task it had executed admirably, despite the financial constraints it had had to face. His delegation therefore welcomed the decision of the States parties to amend the Convention in order to finance the Committee from the United Nations regular budget, and hoped that the General Assembly would approve that amendment during its current session.

37. Despite the recent positive developments in connection with the dismantling of apartheid in South Africa, Egypt was alarmed at the latest outbreaks of violence and condemned the oppressive methods used by the South African security forces against the population. However, his delegation welcomed Security Council resolution 772 (1992) and urged all parties to resume negotiations aiming at a democratic, non-racial society in South Africa.

38. While racism and racial discrimination were waning in South Africa, it was regrettable that they were appearing in Europe. Egypt strongly condemned the crimes committed in the Republic of Bosnia and Herzegovina under the pretext of "ethnic cleansing", and reiterated its defence of the sovereignty and independence of that country. He hoped that, in the Committee, condemnation of those actions would be unanimous. Accordingly, Egypt strongly supported the formation of a criminal tribunal to bring to justice the perpetrators of the war crimes committed in Bosnia and Herzegovina.

(Mr. Galal, Egypt)

39. Despite the success of the United Nations in promoting realization of the right of peoples to self-determination, the Palestinian people continued to struggle for sovereignty over their own land. His delegation welcomed the current bilateral and multilateral negotiations to achieve a just and lasting solution to the Middle East problem and the question of Palestine. He emphasized the need for strict implementation by all parties of the applicable Security Council resolutions, which were the core of the negotiations and related to the problem of Palestine refugees after the 1948 war and displaced persons after the 1967 war, the cessation of construction of settlements on occupied Arab lands, the withdrawal of Israel from all occupied Arab land, including East Jerusalem, and realization of the right of the Palestinian people to self-determination. Egypt appealed to all peace-loving peoples to assist in the negotiations with a view to building a solid framework for peace in the Middle East.

40. The right to self-determination was an inherent right of all peoples, and its denial could only have detrimental effects on other fundamental rights. His delegation accordingly considered that self-determination must be given priority on the agenda of the World Conference on Human Rights.

41. Mr. AL-TAEY (Oman) said that the question of Palestine, the core of the Arab-Israeli conflict, continued to be the most serious threat to international peace and security as well as being the main cause of the crisis in the Middle East.

42. The Government of Oman had always supported all the efforts to find a just and lasting solution, based on the relevant Security Council resolutions, which would end the crisis in the region and the sufferings of the population of the occupied Palestinian territories and other Arab territories, and it was in favour of continuing the activities under way to attain that objective. Oman was a participant in the International Peace Conference on the Middle East. It believed that those countries which maintained friendly relations with Israel should urge it, in accordance with the new international atmosphere, to give evidence of its good intentions by ending the creation of new settlements and its policy of repression in the occupied territories.

43. Recently, the international community had observed with dismay outbursts of racial violence in Bosnia and Herzegovina, resulting in slaughter, starvation and the displacement of hundreds of thousands of persons. The whole world demanded that those violations of international law should cease but the aggressors persisted in their attitude of defiance. Oman recognized the efforts of the United Nations to alleviate the painful situation of Bosnia and Herzegovina but considered that humanitarian aid was not enough. Measures must be taken on various fronts to find a comprehensive solution to the conflict in that region.

44. The work of the United Nations in South Africa, together with international solidarity, raised hopes that a solution to that country's

(Mr. Al-Taey, Oman)

problems could be found. Oman had traditionally maintained friendly relations with the peoples of Africa and followed with interest the Organization's activities to promote a settlement between the parties. It believed that the international community could do much to bridge the gap between them pending the establishment of a Government in which the black majority would participate in full enjoyment of all its rights.

45. Mrs. AL-MAJALI (Jordan) said that, at the end of the Second Decade to Combat Racism and Racial Discrimination, the original objectives had not yet been achieved, since racial discrimination, inequality and intolerance persisted in society.

46. In South Africa, no definitive solution had been found to apartheid, despite the positive outcome of the referendum, which had been seen as a first step towards the elimination of that policy and a political settlement of the national problems, and despite the negotiations between President de Klerk and Mr. Mandela. The solution to the problem of apartheid needed to be based on a new Constitution embodying the principles of an egalitarian and democratic society.

47. New forms of racial discrimination had emerged in other regions. The people of Bosnia and Herzegovina were the victims of acts of violence and repression demanding immediate and effective action by the international community to eliminate racial discrimination there and throughout the world.

48. On the threshold of the Third Decade to Combat Racism and Racial Discrimination, Jordan reiterated its support for the objectives that had been set and trusted that the technical and financial resources needed to achieve them would be obtained.

49. Self-determination was the touchstone of human rights, since without it it was impossible to resolve existing conflicts or to consolidate international peace and security. In the Middle East, it was noteworthy that, despite the negotiation process which had started more than a year earlier, Israel continued to pursue its policy of repression of the Palestinian people, refusing to observe the provisions of the Geneva Conventions in the occupied territories. It also continued to create new settlements of Israeli colonists and to consolidate those already in existence.

50. The right of the Palestinian people to self-determination and the establishment of an independent State in their homeland was fully consonant with the rules of international law. The reduction of tension resulting from the end of the cold war had promoted a solution to many regional conflicts, but the tragedy of the Palestinian people was still unresolved. Jordan was convinced that a just and lasting peace in the Middle East required the implementation of Security Council resolutions 242 (1967) and 338 (1973) and the exchange of land for peace.

51. Mr. DAHA (Pakistan) said that the concept of self-determination related both to respect for the sovereignty of independent peoples and to respect for the right of peoples to independence.

52. His delegation wished to recall that Jammu and Kashmir had not yet been able to exercise their right to self-determination, despite the fact that that right had been recognized by the United Nations in 1948 and 1949. It was important to point out that support for the resolutions adopted at that time had not been one-sided, but that the Prime Minister of India himself, Jawaharlal Nehru, had on several occasions urged the people to decide for themselves.

53. It was regrettable that the Indian Government had subsequently reneged on its commitment and that the people of Kashmir, which after devious legal and constitutional measures had been integrated into India, had waited more than a generation for the promised plebiscite to be held.

54. However, the people of Kashmir had finally lost their patience and in 1990 had risen up against their oppressor in a spontaneous, indigenous and popular movement. Currently, more than half a million Indian military and paramilitary forces, supported by a ruthless government apparatus, were sowing terror in the Vale of Kashmir. Since January 1990, more than 10,000 men, women and children had been slaughtered and many more had been incarcerated and tortured.

55. Pakistan was in favour of a just, honourable and peaceful settlement of the situation in Kashmir in accordance with the relevant United Nations resolutions. In August 1992, the Prime Minister of Pakistan had proposed to his Indian counterpart that a dialogue should be commenced under the Simla Agreement with a view to settling the dispute, but the Indian response to that proposal, as to earlier ones, had been negative. Pakistan would persevere in its efforts and appealed to all Members of the United Nations to use their influence to persuade the Government of India to stop violating human rights in Kashmir and allow the people of that territory free exercise of their right to self-determination.

56. In the Middle East, the people of Palestine had also long been denied their right to self-determination. It was to be hoped that the current peace process would lead to a solution. For any durable solution, however, it was imperative for the Israeli forces to withdraw from all Arab and Palestinian territories occupied since 1967, including Al-Quds al-Sharif, and for the people of Palestine to be allowed to decide their own destiny.

57. The people of Afghanistan had at last succeeded in liberating their territory from foreign occupation and the puppet government installed by another Power. Pakistan congratulated the heroic Afghan people on their triumph and commended the constructive role played by the United Nations in that country. It hoped that the international community would now support the reconstruction of Afghanistan. Pakistan stood ready to contribute to that process.

58. Mrs. ARUNGU-OLENDE (Kenya) said that, even though statements made in the Committee might give the impression that the world was unanimous in its abhorrence of racism and racial discrimination, it had not yet been possible to do away with racial hatred.

59. It was encouraging that South Africa was making progress toward dismantling apartheid. There was a need for the international community to continue to assist in that transitional process. Kenya's solidarity with the oppressed people of South Africa would not waver until they attained full recognition of their rights and established a truly democratic State.

60. The improved situation in South Africa would allow the international community to pay attention to other discriminatory and racist practices and bring each State to take a critical look at its own society. The Secretary-General's proposals in document 47/432 would form a good basis for formulating programmes for the Third Decade to Combat Racism and Racial Discrimination. Kenya supported the idea expressed in that document that the goals and objectives of the Third Decade should be those adopted by the Assembly for the First Decade, since the programmes of the first two Decades had been very much hindered by the political situation of the time.

61. The xenophobia that could be observed in some parts of the world, especially in Europe with respect to migrant workers and refugees, was a form of racial discrimination. The international community should not only express its concern over what was happening in Europe, but also prevent the spread of feelings of xenophobia to other parts of the world. The constant increase in the numbers of refugees and migrant workers would require new approaches to remove prejudices perpetuated from generation to generation. As the previous two decades had proved, it was not for lack of proper legislation that discrimination still continued, but because of prejudice, ignorance and intolerance. In order to prevent xenophobia and discrimination, each society must teach its members from childhood about the advantages and benefits of cultural diversity and the equal worth, notwithstanding their differences, of all human beings.

62. Mrs. BARGHOUTI (Observer for Palestine) said that no society was immune from the prejudice that led to racial discrimination, but that in some places, such as South Africa and Palestine, the racially discriminatory policies were alarming.

63. Zionism was a system of distinctions, exclusions and the dispossession of one group of citizens for the benefit of another. In Israel, racial discrimination between Jews and non-Jews was institutionalized through the implementation of many "fundamental laws" that served to define the rights of Israeli citizens.

64. The Law of Return and the Law of Citizenship, of 1950 and 1952 respectively, gave all Jews in the world the right to immigrate to Israel and to acquire Israeli citizenship automatically. Israel, as a country whose

(Mrs. Barghouti, Observer, Palestine)

central task was to protect one particular group identified by ancestry or by religion, was a racist country according to the definition adopted by the General Assembly in 1965. However, those principles were not incorporated into the Constitution, as in South Africa, but in separate laws, so that the racist nature of the State of Israel was less obvious.

65. It was obvious, though, that the practice of removing the Palestinians from their own territory to make room for immigrating Jews, based on Zionist ideology that considered the Jews of the whole world to be one people, one nation, was a racist practice. The current situation, marked by the constant expansion of settlements, interference with freedom of movement, the use of armed forces against defenceless civilians, and many other violations of Palestinian human rights, required immediate action by the United Nations to put an end to the sufferings of the Palestinian people.

66. Regrettably, those countries that had hoped that the repeal of the General Assembly resolution equating zionism with racism would lead to the modification of the Israeli position and policies had had their hopes dashed. However, Israel's inflexibility would not break the Palestinian people's will to continue its struggle until it achieved its freedom.

67. Mr. FERNANDEZ PALACIOS (Cuba) said that the elimination of racism and racial discrimination took on particular importance at the current time. As the Second Decade to Combat Racism and Racial Discrimination drew to a close, progress had been so unsatisfactory that almost all of the relevant United Nations forums had called for the launching of a third decade in 1993. The scourge of racism was reaching major proportions in many parts of the world. There had been positive changes in South Africa, such as the legalization of political organizations, the lifting of the state of emergency and the repeal of major apartheid legislation. However, the negotiation process had been hindered by the escalation of violence, which had resulted in the death of around 2,000 people and injuries to another 3,000. The events at Boipatong and more recently in the Ciskei showed that much remained to be done before the policy of apartheid could be abolished forever. It was therefore of the utmost importance for the international community to continue to exert the necessary pressure on the Pretoria Government in order to create the conditions in which a democratic, multiracial society could be established in South Africa.

68. Although apartheid was crumbling, in other parts of the world there had been a resurgence of racism, intolerance, exclusionist practices and xenophobia. In Europe, extreme nationalism preyed on migrant workers and their families. In the United States, racism was practically institutionalized, as demonstrated by the savage beating of a young black man by four white police officers and their subsequent acquittal by a Los Angeles court, which had set off a massive wave of protest and unrest leaving 58 people dead and more than 2,300 injured. In that immoral and exploitative

(Mr. Fernandez Palacios, Cuba)

system, the black and Latino minorities and the indigenous inhabitants suffered the greatest discrimination. Paradoxically, that discrimination was occurring in the richest country in the world, which claimed to be a model of democracy and a champion of human rights. In that connection, his delegation welcomed the recent decision of the Subcommission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to examine the contemporary forms of racism, racial discrimination and xenophobia.

69. Referring to the right of peoples to self-determination, he said that the recent changes in the system of international relations made the defence of that principle more necessary than ever. The efforts of the United Nations should seek to eliminate the last vestiges of the colonialism that still oppressed many peoples and territories. The colonial status of Puerto Rico, for example, was of great concern. Similarly, Cuba continued to call for the return of the territory illegally occupied by the United States Guantánamo naval base.

70. He said that the situation in the Middle East continued to be a cause of concern. The current peace talks had halted neither the discrimination and racism to which the Palestinian people were subjected nor the continued violation of the fourth Geneva Convention. Any solution to the conflict must be conditional on respect for the inalienable rights of the Palestinian people, including the right to establish a State of their own.

71. Mr. AL-SAUD (Saudi Arabia) said that his country was fully committed to the principle of the right to self-determination, which was directly related to human freedom and dignity. It was necessary to ensure respect for that principle and to realize the aims and aspirations of the peoples who were still subject to injustice, repression and racism.

72. With respect to the use of mercenaries in the former Yugoslavia, he deplored the violations of the norms and principles of international law established over the centuries for the purpose of alleviating human suffering during armed conflict. In the Republic of Bosnia and Herzegovina, Muslim towns large and small were being bombarded, and the resources and basic infrastructure of the Republic were being destroyed. The cities of Sarajevo, where the majority of the population was Muslim, and Bostar, the capital of Herzegovina, had been totally destroyed. The report of the Secretary-General (A/47/412) referred to the presence of mercenaries in the former Yugoslavia and requested clarification with respect to them, since mercenaries and professional soldiers fighting in armed conflicts intensified the fighting. It had been proven that the most brutal acts were committed by mercenaries. The atrocities suffered by Muslims in the Republic of Bosnia and Herzegovina were stark violations of the right to self-determination. The Serbian policy of ethnic cleansing was the ugliest form of racism, and the international community and the United Nations must stop it at any cost.

(Mr. Al-Saud, Saudi Arabia)

73. The number of countries affected by armed struggle had risen in 1991 and 1992, in part because of the existence of mercenaries whose illegal activities had a destabilizing effect. He welcomed the Rapporteur's recommendations to the Member States, including the recommendation to update their laws in order to define as criminal offences mercenary activities and the recruitment, use, financing and training of mercenaries and to prohibit the participation of mercenaries in trafficking in arms, illicit drugs and currencies.

74. He also referred to the recommendations of the Committee on the Elimination of Racial Discrimination for the establishment of a programme of action to monitor the activities of the Second Decade to Combat Racism and Racial Discrimination, which might require a mechanism similar to that provided for under the treaty on the peaceful use of nuclear energy and an information clearing house in the Centre for Human Rights.

75. With regard to the note on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (A/47/480), he hoped that the positive developments in South Africa would put an end to apartheid and racial discrimination and that a social order based on justice and equality would be established.

76. The right of peoples to self-determination was a basic right upheld by the United Nations. The tragedy of the Palestinian people was not yet over, since they continued to be denied their right to self-determination. He hoped that the peace talks would lead to the recognition of their legitimate right to self-determination.

77. Saudi Arabia would cooperate in fighting injustice and oppression anywhere in the world until the aspirations of peoples for a world of security, stability and peace could be fulfilled.

78. Mr. KASOULIDES (Cyprus) said that with the adoption of the Charter of the United Nations and the Universal Declaration of Human Rights, racism and racial discimination had been identified as a scourge that needed to be eradicated. Subsequent international declarations, conventions and bilateral agreements had expanded the relevant concepts and principles and the overwhelming majority of States had accepted, in legally binding international instruments that all peoples had equal and inalienable rights.

79. Unfortunately, the situation had changed. The international community had been freed from the constriction of the East-West divide and a new spirit of international solidarity and cooperation among nations had been created. However, a wave of discrimination and violence had been unleashed within national borders and along national divides. Individuals and national groups were being consistently denied their basic rights and there were demonstrations of hatred and intolerance against minorities and other vulnerable groups for reasons of their racial, national, ethnic or tribal

(Mr. Kasoulides, Cyprus)

origin. Cyprus, itself a victim of the manipulation of one of its ethnic communities by external interference - a harbinger of the repugnant practice of "ethnic cleansing" - observed those developments with frustration and mounting apprehension.

80. Despite the positive results of the two Decades to Combat Racism and Racial Discrimination, the resurgence of racial prejudice and xenophobia, even in cultures and States considered beyond that stage, was a clear indication that national and international efforts had to be intensified to combat their manifestation. Cyprus welcomed the proposal for launching a third decade to coordinate and revitalize those efforts in a drastic and decisive way. Dissemination of information was a formidable weapon and Cyprus endorsed the suggestions made in the report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/47/432) for the remaining activities of the Second Decade to be integrated into the proposed programme for the third decade.

81. At the end of the twentieth century, avoidance of feelings of racial superiority and the protection of minorities, migrant workers, indigenous populations, gypsies and refugees and displaced persons were becoming the centrepieces for keeping the international community together. If that process was left unchecked, however, there was a risk that the existing international order might be shattered.

82. With respect to the laborious struggle of the United Nations to end apartheid, it was generally accepted that South Africa had entered a transitional period and that there was reason to hope that, with the assistance of the international community, all forms of apartheid would gradually disappear from that country. Cyprus also welcomed the deployment of an observer mission in South Africa.

83. Nevertheless, apartheid was still thriving and there was a long way to go before the liberation of the people of South Africa. Cyprus had repeatedly stated its condemnation of that regime and complied strictly with United Nations resolutions. The international community should keep a wary eye on all developments, as the fierce competition between political parties and ethnic groups had already led to bloodshed.

84. In the age of the mass media, education and knowledge were humankind's most formidable weapons in the fight against racism. The proclamation of 1993 as the International Year for the World's Indigenous People and the forthcoming World Conference on Human Rights would provide a better understanding of the new realities. Cyprus was eagerly awaiting completion of the model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, as a means of liberating humanity from its worst fears and prejudices.

(Mr. Kasoulides, Cyprus)

85. Cyprus was deeply concerned at the financial situation of the Centre for Human Rights and the Committee on the Elimination of Racial Discrimination. It had therefore supported the request made at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that the Convention should be amended to allow the Committee to be funded from the United Nations regular budget.

86. A just world was one where international law was applied. Cyprus had, in its modest way, always endeavoured to abide by the rules of international law, to participate constructively in the major law-making conferences and to make its contribution to the adoption of such progressive concepts of international law as jus cogens.

87. Self-determination was a noble principle when properly defined and applied, but it had a highly charged political content which made it a convenient plaything both for international politics and for propaganda purposes. It was enshrined in the Charter as one of the main purposes of the United Nations. What was important, however, was that it had later been applied to Non-Self-Governing Territories and Trust Territories. The principle had been further strengthened through the adoption of General Assembly resolutions 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2160 (XXI), which established a link between self-determination and the prohibition of the threat or use of force against the territorial integrity or political independence of any State. That prohibition had also been reaffirmed within the European context by the Helsinki Final Act of 1975.

88. Recent developments had led to the refinement of the principle of self-determination into external and internal self-determination. External self-determination was the inherent right of any people to determine its international status; as such, that right belonged to dependent peoples and to peoples subject to foreign domination or foreign occupation. Internal self-determination, on the other hand, was primarily a political principle that conferred on a people living in a sovereign State the right freely to choose its own Government. Attributing the concept of self-determination to peoples created a number of ambiguities, because it was difficult to arrive at a precise definition of the term "people" and that could present very complex problems. The various possibilities of interpretation could turn the right of peoples to self-determination into a weapon to be used against the territorial integrity and political unity of States, as the Secretary-General had already pointed out in warning against the dangers of fragmentation. The application of that principle to establish sovereign entities would create chaos and cause untold human suffering. The situations in Bosnia and Herzegovina and in Georgia were two tragic examples. That was why Cyprus welcomed the initiative by Liechtenstein to undertake a serious study to clarify some of the definitions underlying the concept of self-determination, especially the definition of the term community.

(Mr. Kasoulides, Cyprus)

89. Cyprus had been invaded and occupied by a powerful neighbour. In its case, efforts had been made to manipulate the principle of self-determination and one of its two ethnic communities, in violation of the principles of the Charter and in an effort to promote secession and the eventual breakdown of a sovereign State. The Republic of Cyprus had been established in 1960 and the will of its people had been manifested in the Treaty of Establishment of the new State. It was for that reason that the international community had refused to recognize the secessionist entity created in occupied Cyprus and that the Secretary-General had condemned efforts to introduce the concepts of self-determination and sovereignty into the negotiations held under his auspices. That approach had been endorsed by the Security Council in its most recent resolutions, which the Government of Cyprus had accepted, expressing its willingness to cooperate with the Secretary-General and the Security Council in their search for a solution of the Cyprus problem.

90. Mr. ROSENBERG (Ecuador) said that the tragic events of the past year in Eastern Europe and southern Africa served merely to underscore the fact that the work of the United Nations over nearly five decades had not been enough to ensure that the universal outcry against racial hatred was heeded. What was worse was that a term which had been thought of as buried for half a century had resurfaced in recent months. "Ethnic cleansing" was a morbid concept for which there was simply no place in the world today; it shook one's faith in humankind and raised serious questions. One of them concerned the urgent need for the United Nations to halt the spread of that movement with a clear, resolute message, but above all with practical responses.

91. Racism in all its forms was firmly condemned in Ecuador's Constitution. Given the country's ethnic composition, it recognized the importance of respect for the racial differences which formed part of its rich cultural diversity. Ecuador was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and was one of the 14 States parties that had made the declaration provided for under paragraph 1 of article 14 of that instrument. In that connection, his delegation urged States that had not yet done so to consider the possibility of doing likewise.

92. His delegation was aware of the importance of the work of the Committee on the Elimination of Racial Discrimination and noted with concern that a shortage of financial resources was preventing it from functioning normally. It agreed with the Under-Secretary-General for Human Rights that the Committee should be assured of a stable funding procedure, and consequently supported the proposal to amend paragraph 6 of article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, the purpose of the amendment being to fund the Committee from the United Nations budget.

93. With regard to the Second Decade to Combat Racism and Racial Discrimination, his delegation wished to stress the need to conclude the review of the Decade's results, since several goals had not yet been attained. The achievements deserved recognition and yet, regrettably, the end

(Mr. Rosenberg, Ecuador)

of the Decade did not mean the end of racism. His delegation therefore welcomed the initiative to launch a third decade with the same goals and with a focus on the present situation in regard both to apartheid in South Africa and to the new forms of racism and xenophobia in Europe.

94. Ecuador, which had viewed with enthusiasm the changes introduced by the Government of South Africa to eradicate apartheid, had been deeply disturbed in the middle of the current year when the progress achieved after years of negotiation had been shattered in a matter of moments, and had expressed its conviction in the Security Council that a collective effort must be made to contribute to the resumption of those negotiations. The meeting held a few weeks previously between Mr. Mandela and President de Klerk held out some new hope of an end to that situation.

95. On the subject of self-determination, Ecuador condemned all forms of military intervention that prevented peoples from exercising that right, and reaffirmed the legitimacy of all national movements struggling for their independence.

96. However, self-determination could not be interpreted as a pretext for any cultural, religious or ethnic minority to demand its own State. Any such fragmentation would be harmful. As a unified State, Ecuador recognized the rich diversity of the indigenous and black communities and promoted the dissemination of indigenous languages and traditions and the variety of indigenous cultures, but would not allow any kind of segregation that would disrupt national unity.

97. Ecuador expressed its solidarity with the Palestinian people and hoped that the positive step made by the Government of Israel to enter into a dialogue would lead to a peace agreement in accordance with Security Council resolutions.

98. The people of Western Sahara should also be able to exercise its right to self-determination through a referendum. The Kingdom of Morocco and the Frente para la Liberación de Saguia el-Hamia de Río de Oro (Frente POLISARIO) should demonstrate their political will and cooperate broadly in a peace process.

99. Ecuador was concerned about the situation in Haiti and vigorously condemned the coup d' etat against President Aristide and the violations of the people's human rights. Power must be restored immediately to the deposed President and support given to the efforts of the Organization of American States to find a negotiated solution to the problem.

100. Ecuador recognized and condemned the destabilizing effect of the use of mercenaries on the internal affairs of a country. It supported the work of the Special Rapporteur on that issue and had assisted in the preparation of his report (A/47/412). Ecuador's National Congress now had before it, for

(Mr. Rosenberg, Ecuador)

adoption, the text of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, since it recognized that the activities of mercenaries were contrary to the fundamental principles of international law.

The meeting rose at 6 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
10th meeting
held on
Wednesday, 14 October 1992
at 6 p.m.
New York

SUMMARY RECORD OF THE 10th MEETING

Chairman: Mr. KRENKEL (Austria)

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* Items considered together.

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The meeting was called to order at 6 p.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1, A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/47/391, A/47/412, A/47/433; A/C.3/47/3)

Statements in exercise of the right of reply

1. Mr. SCHUTTE (Germany) said that his delegation wished to reply to the remarks made by the representative of Czechoslovakia under item 91 concerning manifestations of new forms of racism and xenophobia in Europe and mentioning Germany by name.

2. The representative of the Presidency of the European Community had already emphasized that the 12 Governments of the Community were committed to doing everything they could to eliminate such racial prejudice. Germany's position on the subject had been made very clear by the Minister for Foreign Affairs, speaking in the plenary of the General Assembly on 23 September, and by Chancellor Kohl on 24 September when he had emphasized, inter alia, that extremists would not drive a wedge between Germans and foreigners living in Germany and that Germany would remain a country friendly to foreigners. There was clearly no doubt about the determination of the German Government to fight racism and xenophobia and criminal acts against foreigners.

3. Germany was already home to 6.3 million foreigners and the unabated influx indicated that it was a country attractive to foreigners. Germany had become a magnet for massive social migration from East to West and from South to North. In 1992 alone, more than 450,000 asylum-seekers were expected, and 220,000 refugees from Croatia and from Bosnia and Herzegovina had found refuge in Germany. Such massive movements of people, unequalled elsewhere in Europe, had resulted in serious social problems and had to be taken into account when judging the German people's attitude towards foreigners.

4. While it was necessary to do everything possible to fight racism and xenophobia, it was also necessary to analyse the causes of massive migratory movements and to help improve the conditions which made people leave their home countries. The German Government saw an important role for the United Nations in that respect.

5. Miss MANIMEKALAI (India) said that the representative of Pakistan had made unwarranted comments on the internal situation in India and, by bringing the matter of Jammu and Kashmir into the debate, was attempting to undermine the concept of self-determination itself. The United Nations had prescribed that self-determination was a right applicable only to Non-Self-Governing Territories and not to integral parts of sovereign countries. A number of speakers in the General Assembly had already warned against the application of that right to regions within sovereign nations.

(Miss Manimekalai, India)

6. The accession of the State of Jammu and Kashmir to India in 1947 had been valid and was irrevocable under international law; it had been reaffirmed by the State's Constituent Assembly in 1951. Article 370 of the Indian Constitution embodied her Government's determination to protect the people of Kashmir and to ensure their equality with all other Indian citizens.

7. Pakistan's championship of the right of Jammu and Kashmir to self-determination was nothing but a cover for its incitement to terrorism in that part of India, which was well documented even by external sources. The present situation was a direct result of Pakistan's propaganda and intervention in the internal affairs of India. The real problem was Pakistan's occupation of part of the territory of Jammu and Kashmir. India had repeatedly offered the hand of friendship to Pakistan under the Simla Agreement between the two countries. It again appealed to Pakistan to seek to resolve issues through bilateral negotiations.

8. Mr. ZIPORI (Israel) said that for many years Israel had been the victim of a gross decision by the United Nations equating its movement for freedom and independence - zionism - with racism. Israel was therefore very sensitive to the sufferings of other people deemed different on grounds of race or belief. Out of respect for the current promising dialogue between Israel and its immediate neighbours, his delegation would not enter into polemics concerning the baseless allegations made against its Government, which was exercising its right to protect the inhabitants of Israel against terrorism and to maintain the country's security. It must be emphasized that Israel did its utmost to respect human rights within its territories for all its inhabitants; it would like to see human rights respected everywhere in the world through the elimination of racism and racial discrimination.

9. Mr. NIAZ (Pakistan) said that the representative of India had made baseless allegations against Pakistan. Jammu and Kashmir was not an integral part of India but a disputed territory recognized as such by the United Nations, as could be seen from the presence of the United Nations Military Observer Group in India and Pakistan. The Simla Agreement also recognized "a final settlement of Jammu and Kashmir" as one of the outstanding issues. The relevant resolutions of the Security Council and the United Nations Commission for India and Pakistan (UNCIP) also called for an impartial plebiscite to be held under the auspices of the United Nations. In its statement, his delegation had cited the first Prime Minister of India, who had reiterated India's commitment to a plebiscite, but India's most important commitment had been its acceptance of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

10. The representative of India had also alleged that Pakistan was inciting the so-called terrorism in Indian-held Kashmir. India's rejection of Pakistan's proposal for the stationing of international observers along the Line of Control highlighted the falsity of that allegation. The fact was that the people of Indian-held Kashmir had risen up against the Indian authorities

(Mr. Niaz, Pakistan)

to demand their right of self-determination. The Indian response had been one of brutal suppression. The resolve of the Kashmiri people in the face of Indian atrocities could not possibly be imposed from outside.

11. The representative of India had also claimed that the people of Kashmir had decided to link their destiny with India by participating in elections in Indian-held Kashmir, but the Security Council had reaffirmed in 1951 and in 1957 that any such elections could not be a substitute for the plebiscite mandated by the Council.

12. The Simla Agreement did not alter the disputed status of Jammu and Kashmir and it provided that relations between India and Pakistan should be governed by the Charter of the United Nations. It was therefore wrong to say that Pakistan had departed from the Agreement by raising the issue in the Committee. Pakistan remained committed to a peaceful settlement of the dispute in accordance with the Security Council and UNCIP resolutions and in the spirit of the Simla Agreement.

13. Miss MANIMEKALAI (India) reiterated that self-determination was a right applicable only to peoples under colonial domination and foreign occupation. Any attempt to apply the principle to regions of independent States would undermine the very structure of the international system. The Pakistan delegation should refrain from such attempts.

14. Mr. NIAZ (Pakistan) reiterated that Jammu and Kashmir was a disputed territory recognized as such by the United Nations. Its future had to be determined in accordance with the wishes of the people expressed through a plebiscite held under United Nations auspices. Pakistan sought tension-free relations with India and had always endeavoured to settle the Kashmir dispute through dialogue. This delegation drew the attention of the representative of India to the sentiments expressed in that connection by the Prime Minister of Pakistan at the recent Conference of Heads of State and Government of Non-Aligned Countries in Jakarta.

The meeting rose at 6.25 p.m.